ıPITAL PUNISHMENT:

IS IT DEFENSIBLE?

BY

PHILANDER.

'SALUS POPULI SUPREMA EST LEX.'

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TO

THE RIGHT HON. LORD BROUGHAM,

WHOSE NAME IS ASSOCIATED WITH THE

DEFENCE OF LAW AND ORDER,

THE FOLLOWING

TREATISE ON CAPITAL PUNISHMENT

IS MOST RESPECTFULLY DEDICATED

BY

THE AUTHOR.

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PREFACE.

THAT our country is rapidly passing through a startling transition process, is not only freely acknowledged, but is very largely hailed as matter of national gloriation. Not the least clearly defined and practically interesting of the social and moral phases which are gradually developing themselves, is the revulsion, within the last thirty years, of the popular feeling against the assumed sanguinary character of our present penal code. The infliction of the extreme penalty of the law for the atrocious crime of murder, and especially by the dread publicity of the scaffold, is very extensively and tenaciously held to be outrageously repugnant to the merciful genius of the religion of Jesus, insulting to the dignity of a rational creature, and degrading to the character of our common humanity. Nor is such sensational reasoning, for not only a relaxation of the highly dramatized horrors of a public execution, but for the abolition of capital punishment, restricted to the

masses and less educated part of the community; but it comprises a large portion of the logic of our popular journalism, the attractive eloquence of the senate, the calmness of the jury-box, the sensational theology of the pulpit, and, perhaps, all these in combination operating upon the amiable disposition of the occupant of the throne.

The present temper of the age, and especially in this manifestation of itself, is another and instructive instance of those periodical extremes to which popular feeling or frenzy is proverbially subject. Almost from time immemorial, down till about the year 1810, the criminal law of our country, on the hard plea of protecting political and ever shifting commercial interests, was so bloated with sanguinary enactments that the penalty of death was affixed to more than six hundred different crimes. Such an outrage upon the first principles of criminal jurisprudence, such a glaring display of a thoroughly selfish and cruel legislation, loudly demanded the expurgation of a code clearly chargeable with legalized murder. This work of legislative expiation enlisted the high and varied intellect, the accurate legal acquirements, and the Christian philanthropy of Sir Samuel Romilly, who cheerfully and reverentially devoted them to the moral honour of his country. On Sir Samuel's

lamented death, his sacred task was taken up and successfully prosecuted by the late Sir James Mackintosh, about the year 1818; and now statute law, practically at least, has abolished the punishment of death for every crime save murder.

From the more recent and steadily increasing frequency with which this heinous crime is committed, the novel and scientific modes according to which it is perpetrated, and especially the aversion of juries to bring in a verdict of guilty, and almost invariably accompanying such a verdict with pressing recommendations of mercy to the crown, the question of capital punishment is acquiring a rare interest, inasmuch as the popular voice goes to ignore and repudiate what the labours of Sir Samuel Romilly and Sir James Mackintosh have achieved. It is felt, therefore, that something of a more tangible character is required for preventing the more amiable features from stealing a march upon, and from over-riding, the calmer and more merciful dictates of an enlightened understanding. It is in compliance with the request of a respectable number who are professionally versant with the perplexing niceties of the question, and whose judgment and experience claim deference, that the author has ventured to address himself to the moral

aspects of this darkest of crimes, by aiming at reaching the practical mean betwixt elaborate and subtilized productions, and those of a fragmentary and ephemeral character. And this desideratum he proposes supplementing without the meaningless parade of legal technicalities and special pleading; having, as his one and distinctive object, the indoctrination of the popular mind with a sound and practically intelligible exposition of the sixth precept of the moral law, the salutary requirements of civil justice, and the clear-toned claims of public mercy. In other words, he believes it will by no means be an arduous task to show, that the main plea of the abolitionists assumes what no system of ethics has hitherto demonstrated, and what the penal jurisprudence of every age and of every nation has practically ignored, that our depraved, our essentially selfish nature, has a self-recuperative power. This false estimate of fallen humanity is the foundation and chief corner-stone of the unstable edifice of modern abolitionism, an assumption alike opposed to revelation and reason, and contradicted by universal experience.

Our very formidable, and, to mere sentimentalists, very forbidding title, that 'Murder is Britain's crime, and will be Britain's ruin,' is intended to indicate that we design to charge

our country, which is still, and in many respects pre-eminent among the nations, with all that blood which her former sanguinary code shed on the scaffold of the thief, which has run in torrents on many an ensanguined battle-field, which circulated in the veins of her patriotic martyrs, and which, from her present relaxed and dangerously uncertain system of criminal prosecutions, has besmeared many a domestic hearth. To bring home this most serious charge against the first nation in the world, against a nation first in military glory and Christian privilege, is, we freely admit, making a strong demand on public patience, while it imposes the ungracious task of specifying some of the various kinds of this heinous crime, and tracing its present frequent perpetration to sources of a literary, and even a popular religious character. If such a charge be substantiated, it then becomes a pressing, a patriotic, a religious duty to ring the alarm-bell, and invite the nation to a solemn consideration of the demonstrated most certain exercise of the retributive justice of Him who declares, 'Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made He man.'

While, then, on the one hand, we frankly concede that the abolitionist, to a very large extent, and in a practically intelligible sense, is

actuated by some of the more amiable, although we must insist on it, perverted feelings of our common humanity; yet we do think it both reasonable and right, if he is resolved on a fair and judicious discussion of capital punishment in the case of the convicted murderer, that he fix not his eye on the deeply humbling spectacle of the corpse of a fellow-creature swinging in the air, to the exclusion of the pandemonium of the murdering-room—that he dwell not upon the dark drapery of the gibbet by throwing into the shade the darker and demoniacal glories of that fearful struggle and revolting tragedy in which the unhappy culprit played the principal part.

MURDER.

CHAPTER I.

THE DIVINE LAW.

Mr Thomson, author of 'Punishment and Prevention,' says: 'The ten commandments are the pure and pristine source of criminal law; and it is happy for us that they enter largely in spirit, as well as in letter, into the body of British Jurisprudence.' We would fondly entertain a higher estimate of the moral intellect and feelings of the abolitionists, who urge their claims on the professed plea of morality and humanity, than to suppose that they would ignore, or treat with irreverence, a formal appeal to the divine law on this confessedly moral and profoundly interesting question of capital punishment. We will not do either them or ourselves the injustice of even harbouring the suspicion, that they sympathize with the spirit, or adopt the letter of the Colensian creed, which,

from its more than equivocal utterances on the proper inspiration of the Bible, makes the ground shake under the feet of the pure moralist, and loosens the recognised hold-fast of British ethics. On the other hand, we are happy to assume, and even to indulge the conviction, that the abolitionists, or at least those of them with whom we care to hold friendly reasoning, frankly admit the inspiration of the Scriptures, in the common and intelligible acceptation of that phrase; and that they merely dispute the exposition of them adopted by those who plead for the capital punishment of the convicted murderer. Upon this distinct understanding then, we propose submitting the following preliminary remarks on the divine law, or the decalogue, which are intended to settle first principles, and to comfortably deliver the discussion of the question from painful prolixity, and the frequent use of what might be viewed as harsh and unseemly vocables.

No serious disadvantage will attach to our adoption of the common and practically intelligible definition of the term law, as the formal expression of the will of the lawgiver, and as constituting the rule of the belief, and the directory of the conduct, of the subject. The divine law, then, is the expression of the will of God; is the rule, while it is also the reason, of

our practice; and is from its authority necessarily of binding force. 'Now we know, that what things soever the law saith, it saith to them who are under the law.'

While this definition respects law whether human or divine, still, and as bearing upon our present subject, we require to carefully distinguish betwixt those laws which are naturally fixed and those which are temporary. And this distinction, so patent in every page of inspiration, has been converted into the battle-field of the present question, and of many others of a cognate character which have long involved politicians, moralists, and theologians in serious feuds. The distinction adverted to has been variously designated. For all practical purposes it is sufficient to state, that what is called the *moral natural* law, because it is the transcript, the written image of God's *nature*, must necessarily be permanent for all moral beings, in all climes, and throughout all ages. This moral law of God is the decalogue, the law of the ten commandments, and admits not of being repealed. On the other hand, the *moral positive* law of God, because it springs from, and has been dictated by, the *will*, the sovereign will of the Divine Lawgiver, respects dispensational purposes, and is of temporary duration. This temporary divine law is called the Mosaic, and

as it was typical, is necessarily abrogated by its antitypical accomplishment. This typical law, therefore, restricted for a time in its ceremonial and judicial character to the Jewish church and nation, has been repealed by the death of the Son of God in our nature. The question in the controversy on capital punishment, then, is properly made to turn upon, whether the law whereby the life of the murderer was forfeited, was the moral natural law, or the decalogue, which is still in force; or whether it belonged to the moral positive, or ceremonial law, which has been abrogated by the finished work of Christ? And without anticipating, at this stage, a formal and calm consideration of this vitally important question, we would invite attention to the comprehensive property of the moral law of God, or the law of the ten commandments.

The comprehensive property of this divine law to which we allude, is its Perfection. 'The law of the Lord is perfect, converting the soul; the testimony of the Lord is sure, making wise the simple; the statutes of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes; the fear of the Lord is clear, enduring for ever; the judgments of the Lord are true, and righteous altogether.' As this instructive variety of expression cannot in any proper sense apply to

the typical or ceremonial law of Moses, and as it must and can apply to the moral law alone; so every intelligent reader of Scripture will discover in it the comprehensive property of perfection, as essential to that law which has not been and which cannot be repealed.

Perfection is so natural and essential a property of the moral law of God, that it is not easy, if indeed it is possible, to conceive of any moral being, in the healthy and common exercise of his intellect, formally setting himself to question its truth. And any attempt, how ingenious soever, to evade its force, and any insinuation, how plausible soever, against the perfection of any one of its ten precepts, must be held as a species of dangerous gymnastics on the field of morals. All such morally debauching processes of ratiocination, although dignified with the high-sounding name of logic, and although recommended by the poetic wailings of those of the Thackeray type, cut a miserable figure in the light of the moral code of Him, whose essentially and necessarily immaculate nature is mirrored forth in His written law. And as this is the current phraseology of Scripture on this subject, so every attempt at diluting, adumbrating, or enervating it, partakes of rancid scepticism, and throws every inspired

utterance upon the dark territory of a helpless and a hopeless ambiguity. This increasingly popular talk not only ignores the first and regnant principle of the divine moral law, but, with one fell swoop, overthrows the whole volume of inspiration; for an uncertain Bible is but an equivocal heathen oracle.

Were formal reasoning on the absolute perfection of the moral law required, we would refer to the divine nature of which it is an accurate transcript, to the infinite wisdom and goodness of its divine Author, and to the fact that, by a glorious necessity of His nature, the moral law must have been the best to meet the capacities, and to secure the best temporal and eternal interests of His moral creatures. Assuming, then, the perfection of the moral law in regard to its properties, its authority, and the ends it proposes to reach, we may state a few practical inferences which the subject suggests.

I. From its perfection, we infer the unchangeableness of the moral law, of the decalogue. As illustrative of the perpetuity of the law of the ten commandments, we would request the calmest consideration of the distinction betwixt moral natural and moral positive, to which we have already adverted. A change of the moral law, or decalogue, would clearly argue a defect in

the law itself, a defect, too, attributable to imperfection in the Lawgiver. It would argue that the divine Lawgiver had been under some mistake at the time of its promulgation, and a mistake which unforeseen circumstances had discovered, and led Him to correct by change or repeal. And while such a conception is repugnant to our commonest apprehensions of the nature and character of deity, it is equivalent to a heinous and a most absurd charge against the sublime and glorious doctrine of the cross of Christ, the central and luminous doctrine of the volume of revelation. For if the moral law admitted of repeal or change, then the intensely exquisite sufferings and death of the personally pure and innocent Son of God cannot be viewed in any other light than a dark tragedy that would obliterate the essential goodness of God, and would involve the Eternal in an act of wanton and unparalleled cruelty. And this simplest but clearest of all illustrations and proofs would, we earnestly and kindly submit, go far to reconcile the abolitionist to the combined righteousness and mercy of that principle of law which demands 'blood for blood.' For although the cases are not, in their every minute circumstance and in their every adjunct, strictly parallel, yet we do think it must be conceded, that essentially the same principle of law and

morality is at the bottom of and permeates both To condemn the murderer's scaffold, and to de fend Calvary's bloody tree, will prove not onl an arduous task, but will transcend the highes efforts of created intellect.

While pointing to the perpetuity of the mora law, as obviously included in its perfection, w are by no means overlooking the somewha favourite plea of the abolitionist, that the lav of the ten commandments is not, in its ever precept, still in force. Such a plea is incautious while it exposes the abolitionist who resorts to i to not a few gravelling objections. And with out, especially at this stage, subjecting the ple to formal examination, it may serve the purpos of preliminary remark to put the questior Which of the precepts of the moral law is pro perly typical, and has been repealed by the deat of Christ? When our Lord was expoundin this law, and while His exposition holds a pro minent place in the New Testament Scripture did He except any one of its ten precepts? Di He not, and did not His inspired apostles an disciples in copying His example, invariabl speak of and expound the decalogue as on code of divine law? Moreover, and as directl affecting this plea of the abolitionist, did no Christ and His apostles enumerate, and in orde all the precepts of this law? And did He o

any one of these occasions leave out of the list of its precepts the sixth, which says, 'Thou shalt not kill?'

Is the abolitionist resolved on hazarding his cause on an imaginary analogy betwixt the fourth and sixth precepts of the moral law of God? Does not such an analogy, which supposes, or rather assumes, the abrogation of the benign institution of the Sabbath, involve him in putting asunder what the divine Legislator has joined together? Does it not subject his reasoning to the heavy charge of separating the two divinely conjoined tables of the moral law, and that too, point blank, against our Lord's every allusion to that question? And where have we a single hint, or allusion of any kind, to the abrogation of the Sabbath? Surely the intellectual, the reflecting abolitionist, will not voluntarily forfeit his reputation as a debater by confounding the change of the day for observing the Sabbath with the abrogation of the Sabbath itself? Notwithstanding the change of the day, which the pre-eminent glory of the new and spiritual creation rationally demands, the institution of the Sabbath itself remains in more than its pristine lustre, while its observance is enforced by stronger and sweeter motives, and its special exercise allies more to that of the ransomed, who have entered on the

enjoyment of the eternal Sabbath in heavenly glory.

But we would appeal to the abolitionist himself to say, whether he would hold it sound reasoning to shift from the sixth precept of the moral law, which respects the question of capital punishment for murder, and about which the whole volume of inspiration drops not a single hint, of any kind or degree, of change, and take up his position upon what is declared of a change of the day for observing the fourth precept of the same law? Is such a mode of reasoning candid and fair, or according to the rules of literary warfare, especially when the conflict is for the standard of morals? When the abolitionist shall have succeeded in discovering any intimation of a change of any kind in regard to the underlying, cardinal, and permeating principle of the sixth precept of the decalogue, we shall feel our obligation calmly to consider his discovery. In the meantime, however, he cannot and will not expect that we would buckle on our armour to combat a myth, and a myth which his imagination has conjured up from the deeps, not of his judgment, but of his perverted feelings.

By the above remarks we are in no way prevented from conceding, and that too because of the peculiar glory of our spiritual economy,

that the Mosaic dispensation, in all its essential elements, in all that was ecclesiastically ceremonial, and in all that was politically judicial, was necessarily and mercifully abrogated by the death of the glorious Antitype. And, instead of reverting to, or, for medieval ornamentation, exhuming these honourably sepulchred 'beggarly elements,' it is our duty and privilege to take most liberal advantage of the inspired exclamation, 'For even that which was made glorious had no glory in this respect, by reason of the glory that excelleth.' But what has all which this concession contains, to do with the question of the capital punishment of the murderer? Was the extreme penalty of the divine law, affixed to the perpetration of this bloody crime, of a typical character? If this penalty was typical, of what was it, and of what could it possibly be, a type? In what conceivable sense was it, or could it be, accomplished by Christ's work? And where throughout the wide range of inspiration have we the retaliative law of 'blood for blood' represented, or hinted at, as typical, or ceremonial, or restrictedly Mosaic and Jewish? Are those of the abolitionists, then, who desire to be held as reasoning the question, prepared to answer in the affirmative the above queries, and to prove their affirmation by facts and reasoning founded on

Scripture? Or are they resolved on abandoning Scripture as the legitimate and the only field of discussing this question? For if they have made up their minds to risk their painfully popular cause on the dangerously equivocal mutterings of the oracle of sentimentalism, then we have to combat with not only abolitionists, but with abolitionists under the guise of reverence for a law which both their theory and their practice contradict.

II. The perfection of the moral law warrants the inference that it is accurately and comprehensively directive of every duty of its moral subject. From his natural and necessary dependence on the Creator, every man, and in his every relation, is responsible for the exercise of his every mental power, and for his every overt act. This comprehensive character of the moral law, indicating the extent and character of the subject's responsibility, is expounded by our Lord in His reply to the captious question of a certain lawyer: 'And Jesus answering, said, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind, and thy neighbour as thyself.' From all such phraseology, which is of frequent occurrence in Scripture, we are taught that the divine law is not only political,

as directive of external conduct, but is also and specially spiritual, as exercising authoritative control over every principle of the inner man. And this it is that explains the proved efficiency of the divine law, in not only putting into the mouth of the mere animal nature of man the bit and bridle of restraint, but also of revolutionizing his depraved nature by regeneration. 'For we know that the law is spiritual; but I am carnal, sold under sin.'

Whereas mere political law, how accurately soever framed, and how wisely and righteously soever administered, can alone operate on the lower, the grosser, and less morally influential part of our composite nature; so it necessarily fails to purify the fountains of depraved humanity, and to secure the healthy exercise of those deeper and more regnant principles which conserve the higher interests of society, whether social or political. And in the light of this natural dictum, a child can understand the inspired maxim, that 'Righteousness exalteth a nation, whereas sin is a reproach to any people.' And thus the moral law lays its salutary and arrestive authority upon *the ruled*, whether children, servants, or civil subjects; while it speaks, and with equal authority, to those who are vested with governmental functions among men, whether parents, masters, or princes. 'Let

every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.'

Admitting, and to the fullest extent, the politically conservative elements of civil government as of divine institution, yet it must be conceded that its wholesome deterrents are, from their nature, subordinate to those of the moral law, which compel the conscience to look above and beyond the imposing solemnities of the criminal court, and the grim formalities of the gibbet, to the overwhelming glories of 'the judgment-seat of Christ.' And in the light of this universally felt fact we may safely rest not only the duty, but also the policy, of a national recognition of the religion of Christ, which holds forth the moral law as the rule of belief and practice. The perception and appreciation of this cardinal principle of political ethics led one of Britain's most sagacious statesmen to give it embodiment in his favourite and tersely expressed maxim, 'What is morally right, cannot be politically wrong.' Nor will it be easy to convince the observant part of society, that he

who ignores a nation's obligations to incorporate in its laws the law of the decalogue, and, in every legitimate way, countenance its most searching and solemn sanctions, is the best qualified to act the part of a wise statesman, an enlightened philanthropist, a practical patriot, or a sound and useful minister of the gospel of Christ.

We do not require to illustrate and confirm this position by referring to that well-known but largely calumniated era in the history of our own country, when the national adoption of the principle for which we are pleading was followed by a refinement and elevation of the tone of public morals which characterized the crown, the legislature, the bench, and especially the pulpit. And this is a fact so patent and valuable, that we feel confident none of the intelligent and politic of the abolitionists will challenge us to contrast it with the lax and sanguinary morality of our own times. Nor are we willingly oblivious of popular and ungracious attacks made upon the men and their system by degenerate witlings, whose flashy but demoralizing productions go a long way in explanation of that sensational morality which is meretricious in its attire, but murderous in its heart and hands.

It is no doubt a fact, and no doubt abolitionists are apprised of it, and fancy writers of the ultra-liberal type take an ungenerous and unfair

advantage of it, that even then scaffolds were erected. But it is disreputable to throw into the shade, and to caricature for lowest ribaldry, the characteristic fact of the reactionary triumph of the liberals of that time, that those who were subjected to torture and to death in its most revolting forms, were not malefactors and murderers, but those whose only crime was their enlightened and devoted attachment to solid piety, and the clearly defined cause of civil liberty. The murdered culprits were saints and patriots, but their executioners were the advocates of a licentiousness which called into a sturdy revolutionary action the long-suppressed principles of the men whose shed blood watered the tree of British liberty. If, then, the moral law, including of course its sixth precept, demands, with the sanction of its highest penalty, reverential obedience from its every subject, in his every station and relation, it does follow, that no other law, which must be of a subordinate character and of vastly inferior authority, can furnish society with a guaranty of the permanent safety of property, character, and life.

III. It is essential to any law which professes to be perfect, that it be expressed in intelligible terms, and within briefest compass. In the contrast, then, betwixt human and divine law, the

pre-eminence of the latter above the former is evidential of its divinity and universal utility. That the moral law of God infinitely excels every human law is what might necessarily have been expected, and is, in point of fact, true even to a proverb. Its brevity appears in its designation—the decalogue, or the law of *ten words*, while the designation also anticipates and exposes every attempt at mutilation of its entirety by Romish arts. How striking and instructive the brevity and comprehensiveness of the moral law when compared with the interminable longitude of the laws of the most civilised nations! The statutory laws of our own country occupy about sixty octavo volumes, while what is called the common law fills about eighty volumes of the same character. And this fact suggests reflections of a serious and vastly important and practical kind. This immense code of British law is the product of the wisdom and experience of successive ages; is the science of a life that extends far beyond the ordinary term allotted to man; cannot possibly be known by the great majority of those for whom they were enacted; is daily undergoing change, because of its inadequacy; and naturally becomes the fertile source of endless, ingenious, acrimonious, and ruinous litigation, which proves that nothing is more certain than 'the glorious uncertainty of the law!'

This merciful brevity of the moral law, o the law of the ten commandments, presents a equally striking and instructive contrast with th numberless and various minute details of th Mosaic ceremonial and judicial laws. Thes latter so taxed the most tenacious memory of th most obedient subject, that specific provision wa made, by a separate offering, for the sin of igno rance. But what memory so weak or treacherou as to forget the ten brief precepts of the deca logue! On this point ignorance is an impos sibility.

But the moral law is no less distinguishabl from the Mosaic code, and from all human laws by its combined comprehensiveness and brevity than by the intelligible terms in which it is ex pressed. There are no hard to be understoo technicalities; no equivocal phrases or terms nothing circumlocutory; no sentence, phrase or word, that indicates any occult meaning, tha requires a subtilizing process for safe exposition Its language is so plain, its meaning so trans parent, and its teachings so direct, that 'he wh runs may read.' What man of the commones understanding, although a fool in other respects can possibly misunderstand the moral law o God?

Without further prosecuting this train of re mark, we may summarize for practical purpose

the above specified properties of the moral law, the sixth precept of which—'Thou shalt not kill'—is essential to it. As, then, this divine law is necessarily perfect, perpetual, and lays its authoritative arrest on its every moral subject, in his every station and relation; so, whatever be his feelings, he can only maintain the dignity of his rational and moral character when he voluntarily subjects his intellect to the clear teachings of that law, and when he more than suspects his feelings that run counter to its stern but salutary dictates. By taking this rationally and morally high position, and coming to this safest of conclusions, the question of capital punishment for the crime of murder, will admit of a very easy and a very safe resolution.

CHAPTER II.

BLOOD FOR BLOOD.

'THOU SHALT NOT KILL.'

ASSUMING that we have succeeded in establishing the perpetuity of the moral law, we must nevertheless advert to the teasing fact, that the abolitionist addresses himself to the elaboration of a theory for effecting an escapement from its sixth precept, 'Thou shalt not kill.' The kind and mode of reasoning which consist in adopting a formally expressed proposition, and at the same time rejecting its main principle, is no less novel than awkward. How in such a case to reach what is definite and tangible, is no easy matter. We are not aware that the abolitionist, with whom we desire to be on good terms for a long time yet, has, at least in so many terms, expunged the sixth precept from the decalogue; and yet his creed compels him to deny that it respects the penal law of death for death. In order, then, to fit in this principle of the sixth commandment, which he does not ignore, with

his liberalized creed, he is forced to an occult, a subtilized process of exposition, which would render any law a dead letter, and would defeat the most obvious design of the Author of the moral law.

But, that we be not guilty of doing an injustice to the abolitionist, by playing the part of a caricaturist, we shall study to give his main position, and his reasoning in defence of it, in such a form as will strengthen rather than weaken them. As we understand it, the position assumed is: That as the Christian dispensation, especially in contrast with the Mosaic, is not one of blood, but of mercy; therefore, whatever may be the meaning of this sixth precept of the moral law now, it cannot possibly mean that the murderer should be put to death—that the Mosaic law of blood for blood is still in force. Believing that we have fairly and intelligibly enough stated the abolitionist's main and comprehensive objection to the Continental and British long-received exposition of this divine precept, we have it as our object in this chapter, to calmly and somewhat narrowly examine this *dernier ressort*, this supposed tower of strength, to which he betakes himself, when he undertakes a scriptural defence of his creed. And previously to laying our foundation, we would crave attention to the subsequent preliminary

remarks, as intended to clear away some rubbish that has been lying long about, and upon, the site of the building.

If the abolitionist holds that, whatever the sixth commandment means, it cannot respect the penalty of death for the crime of murder, it surely belongs to him to tell us what he holds to be its meaning. Without some such definite declaration on his part, a discussion of the question is worse than trifling, while a shyness to be explicit indicates some want of confidence in his position. We are unwilling to charge the intelligent abolitionist with the very crude exposition of his more dashing fellow-labourer, that this sixth of the ten commandments is simply and solely *condemnatory* of this heinous crime, but respects not the penalty incurred by its sanguinary infraction. A law, the moral law of God, and that precept of it which respects our natural lives, simply condemnatory, and without a single hint of any penalty for its violation, is a rare and curious idea! What individual, and what community, whether political or ecclesiastical, was ever known to speculate on law in such a misty and bewildering region? How could such an objector show the practical value of any of the remaining five precepts of the second table of the moral law by the adoption of such a confusing and confound-

ing exposition? Are these other precepts which respect disobedience to the delegated authority of natural and political parents, which respect the grave and society-wrecking crime of adultery, which respect the abstraction of our property, and which respect the defamation of character,—are these precepts to be expounded as simply and merely deterrents from their violation, without any regard to penalty? We are not so advanced in charity as to believe that these very amiable and stout defenders of the dignity of human nature would, in the cases supposed, be very scrupulous about appealing to Cæsar, and insisting on the infliction of even the salutary penalty affixed to such comparatively minor crimes. The truth is, such very amiable abolitionists have not made their appearance, as yet, in our somewhat cold country.

But without imputing to the reasoning abolitionist any such absurd and self-destructive plea as that to which we have adverted, we shall now consider the more respectable objection, that whatever this precept means, whatever the penalty affixed to the crime of murder, it cannot mean the severe and bloody penalty of death. And may we not ask, Why? Because the law of blood for blood belonged to the Mosaic economy, which was abrogated by the death of Christ. Now, what does this objection assume

and imply? We apprehend that, notwithstanding its great popularity, it draws deep as blood on all that is essential to the character of deity, and to religion and morality! The objection assumes, that the Mosaic penal code was one of a desperately inhuman and bloody character; that the penalty of death for murder was *peculiar* to it; and that, in the favourite phraseology of the abolitionist, it was degrading to the dignity of human nature! This is the shape, the breath, the soul and body of this extremely popular plea for a punishment short of death for this most dreadful crime.

Surely the most devoted apostle of the ultra-humanitarian creed will distinguish betwixt what is essential or peculiar to a code of laws, and what may, for pressing political reasons, be temporarily adjoined to it; what may be peculiar to the Mosaic code, and what has been incorporated in it, but essentially belonging to the moral law. And it will not do to declaim on what belonged to the criminal code of the Jewish economy, which no one denies, and to assume, without a particle of proof, that the extreme penalty of the gallows for the murderer was not essential to the previous and enduring moral law of God. Were not disobedience to parents, adultery, theft, and perjury, essential parts of the criminal code of Moses? But is

the sentimentalist prepared to insist on the inference, that therefore these crimes are abolished from the Christian dispensation? The adoption of such an assumed dogma would make havoc of the very first, and universally admitted, and practical principles of every system of political and social ethics.

But, whether the objector who makes this his household language in pleading for the abolition of capital punishment, is fully aware of the heavy charge which it involves, we are anxious to invite his attention to its natural and real import. All such hard and harsh vocables—and it will not be easy to find harder and harsher—as, that the murderer's scaffold is inhuman, bloody, and degrading to our common nature, are a murderous charge against not only the Jewish nation, and Moses, the faithful servant of God, but directly against God Himself, the Author of that dispensation! This objection, and especially when viewed in the light of the extremely harsh and popular terms employed in expressing it, overlooks, and perhaps contemptuously disregards, the undoubted and glorious fact, that the Jewish economy sprang from the promptings of the mercy of the God of Christ and the perishing sinner. This economy, so largely and pervertingly stigmatized as one of blood, the objector surely forgets,

had the God of mercy for its author; the faithful Moses and his successors in office for its administrators; and His chosen and favourite people, the Jews, from whom His own Son was lineally descended, for its subjects. This incautious, heartless, and ridiculous, although extensively applauded charge, represents these Mosaic laws, as thoroughly Draconic; the peculiar people of God, as a nation of savages; the Heaven-approved Moses, as a bloody son of Belial; and God Himself, as some heathen and cruel divinity! The theory that demands such a postulate, that forces such an inference, and that glories in such a revolting assumption, requires no elaborated reasoning to demonstrate its intrinsic rottenness, its inconsistency with sound reason, its contravention of both the letter and the spirit of the sacred volume, and its illiberal imposition on the untutored dictates of the natural conscience. And we would humbly and kindly suggest to such reasoners the propriety of addressing themselves to the edifying study of the very merciful character and provisions of the criminal code of Jewish jurisprudence. We would indulge the hope that, in reading such passages as the following, he would feel his present pleas greatly enervated, and his aspersive phraseology largely modified. How merciful, then, the injunction, 'Thou

shalt not seethe a kid in his mother's milk;' and equally merciful the specific charge, 'Thou shalt not see thy brother's ass or his ox fall down by the way, and hide thyself from them: thou shalt surely help him to lift them up again;' and who has read, without feeling its tender and humanizing influence, the precept, 'If a bird's nest chance to be before thee in the way in any tree, or on the ground, whether they be young ones or eggs, and the dam sitting upon the young, or upon the eggs, thou shalt not take the dam with the young?' Is it possible that so numerous and pointed legal provisions, included in the comprehensive one, that 'a merciful man is merciful to his beast,' could be essential to a dispensation so vilified by modern abolitionists as one of pure cruelty? And might we not add to the above notable instances of tender regard for the life of the beast, those of a higher type that respect hospitality to the stranger, kindest attentions to the widow and the fatherless, and, above all, the high penal sanctions which are declared to be fences around the life of man? 'And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you,' is the reason assigned by God for the execution of the extreme penalty of the law on its Israelitish transgressor. These considerations are equally designed and fitted to reconcile the

modern humanitarian, on the question of capit punishment, to that economy which he has bee too much in the habit of representing as a unmercifully severe and blood-blotched code o laws.

The vast, and every day increasing, impor ance of the question, makes us sit easy und the charge of prolixity, while we proceed to co sider, in our preliminary remarks, another shi in the abolitionist's mode of conducting h inquiry on the character of the criminal juri prudence of the Jewish nation. Is it the asserted, that although the law of blood fo blood was, and that for at least fifteen hundre years, the criminal law of the chosen nation o God; yet He must have had the best of reasor for its abrogation; and what reason more worth of Himself than its incongruity with the mil economy of grace, the Christian dispensation?

As this phase of the discussion respects th real or imaginary reasons of the abrogation o the Mosaic economy, it is again at its old wor of assuming. Is not the Jewish economy abro gated? No doubt of it. Had not God mercifu as well as wise reasons for its abrogation? Mos certainly. Here we must interpose the questior What is essential, what is peculiar, to the Jewis economy? Was not the law of death for deat peculiar to the Mosaic criminal code? asks th

abolitionist. We reply, in the meantime, That is the very question at issue; that is the debatable point; that is what you affirm, and proof for which affirmation we desiderate; and that is what we deny, and what we propose, and what we think we are able to disprove. And without doing more at present than simply reminding the abolitionist that we have already shown his reason for abrogation to be a very dark-featured insinuation against the merciful God of Moses, we have further to say, that whatever was peculiar to the Mosaic economy, whatever was properly typical of Christ and His work, was properly and mercifully abrogated. But it most clearly belongs to the objector to demonstrate that the death of the murderer was properly typical, was peculiar to the Jewish economy, and that its repeal was necessary to the illustration and vindication of the mercy of God. That is undoubtedly his work.

But still, and still, the Jewish economy is abrogated. True; but does a change of dispensation argue a change of the God of the dispensation? Does a change of *the mode* of administering moral principles lead to infer a change of the moral principles themselves? Is it logical to reason that, because the sentence of death was, under a former economy, inflicted by various persons, therefore the murderer may

now be delivered from the penalty of death? And does a change of specified administration of divine law leave, as a fair conclusion, that therefore the nature of the divine Legislator is also changed,—is changed to that of a merciful from that of a demoniac type? Whether this mode of reasoning, so much in vogue among the humanitarians, with whom we are now kindly doing battle, is more in accordance with the merciful character of God, is a firmer security for the property and the lives of our fellows and ourselves, and more becoming the boasted civilisation of the latter half of the nineteenth century, we confidently leave to the verdict of the natural conscience, untouched by British sentimentalism. 'And when the barbarians saw the venomous beast hang on his hand, they said among themselves, No doubt this man is a murderer, whom, though he hath escaped the sea, yet vengeance suffereth not to live.'

In summing up these preliminaries, we shall very briefly advert to a rule of exposition which may, to a considerable extent, aid in removing what has been made to cluster around this and cognate questions, especially in distinguishing what is essential to the moral law, and what is peculiar to the Mosaic institution. Thus, what was prescribed to all other nations besides the Jewish was obviously essential to the moral and

unalterable law of God; and whereas the penalty of death for murder was divinely commanded to these other nations, that penalty was not, and could not be, held as Mosaic in any sense. On the other hand, whatever was not common by divine injunction to Gentiles and Jews, but was peculiar to the latter, is as obviously Mosaic, and was designedly of temporary duration. Under what was peculiar to the Jews, we have, and by divine prescription, different crimes besides murder,—as adultery, idolatry, and filial stubbornness, together with variously specified modes of inflicting death; and these are now repealed, simply because they were Jewish modes or peculiarities. In the Jewish and Gentile criminal codes, we find the one, and the salutarily isolated and lofty pillar with the universally legible inscription—Death for death.

As more of a practical character, we now advance to an illustration and confirmation of the penalty of death for the crime of murder, by stating a few clear and unmistakable facts and instances of highest authority.

I. The inspired record of the first perpetration of this foul crime in the human family, is painfully illustrative of the law of 'blood for blood.' The very early date of what is recorded, the inspiration of the record, the closeness of the

relationship of the principal parties, as not only brothers but twins, that the bloody crime was perpetrated by the first-born of woman, and that the blow struck horror into the heart of the first and only family on earth,—these are circumstances that throw around the inspired narrative of the first murder a tremendous and gory interest. There was no room, no place, for dispensational arrangements,—no Mosaic, no national peculiarities,—none of the ceremonial and typical characteristics which abolitionists have industriously converted into entanglements. In such a clear case we are prepared to hear the divine mind, not merely on the atrocious nature of the crime, but also, and especially, on the penalty affixed to its commission.

We invite the abolitionist, then, to read calmly with us those salient parts of this deeply interesting, very instructive, and simplest of inspired narratives. 'And Cain talked with Abel his brother; and it came to pass, when they were in the field, that Cain rose up against Abel his brother, and slew him.' This simply told and thrilling narrative warrants at least the following remarks: That every natural heart has within itself the elements of murder; that no mere moral, filial, or intellectual considerations are of themselves adequate to eradicate or prevent the practical development of these

bloody propensities; and that the voice of the natural conscience is hushed when circumstances favour the perpetration of this horrid crime. Although this is a very humbling account of what the abolitionists love to call 'the dignity of human nature,' yet its truth floats on the surface of this brief narrative, and receives its exposition in the inspired declaration: 'The heart is deceitful above all things, and is desperately wicked.' And this innate and murderous bias of the natural man evinces the rare sagacity of Junius, who, in one of his celebrated letters, says, 'Laws are intended, not to trust to what men *will do*, but to guard against what they *may do*.'

As the case of the first murderer has been made to flourish in the speeches and tractates of the ultra-humanitarians, it will be of service to follow out the inspired narrative a little further. 'And the Lord said unto Cain, Where is Abel, thy brother? And he said, I know not: Am I my brother's keeper? And He said, What hast thou done? the voice of thy brother's blood crieth unto Me from the ground. And now thou art cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand. When thou tillest the ground, it shall not henceforth yield unto thee her strength. A fugitive and a vagabond shalt thou be in the earth.'

The reader of this graphic description cannot help feeling himself introduced into an august criminal court, with all its imposing and solemn formalities, and while a trial upon a charge of murder is going on. The bench is occupied by God Himself, who sustains the character and discharges the high and solemn functions of the judge. The prisoner stands at the bar, listens to the different counts of the indictment preferred against him, evades the direct charge, is subjected to a most searching examination, and, upon being convicted, has sentence pronounced against him. And this description holds forth the atrocity of this crime; the abhorrence of it by the Author of life and the Source of law; the necessary duty of a searching investigation of all the ascertainable circumstances of its perpetration; and a righteous and firm resolve to solemnly pronounce and formally execute the sentence of the law upon the convicted culprit. Nor can the impressed reader of the divine record of this trial shut his eye to the fact, which has figured in a very striking manner in the annals of criminal prosecutions, that 'murder will not hide.' The whole of this brief narrative goes to demonstrate, that murder is the darkest of crimes, and that its enormity requires to be placarded, and in capital letters, before God and man. 'And He said,

What hast thou done? the voice of thy brother's blood crieth unto Me from the ground.'

Although we doubt not the abolitionist will readily enough subscribe to the justness of the inferences we have deduced from the divine record of this dark deed, and join us in severest reprobation of its perpetration; yet we are aware he holds it as by no means decisive of the question at issue—the nature, the kind of punishment inflicted on the murderer. In point of fact, this case is pressed into his service, and is made to stand at the head of his arguments and instances. And although we have some misgiving about its confident and frequent use by the accurately thinking portion of the sensational community; yet, for the sake of the vast and vociferous majority of them, we shall spend some time in considering their favourite plea, that Cain was not punished with death. 'And the Lord said unto him, Therefore, whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the Lord set a mark upon Cain, lest any finding him should kill him.' On this inspired declaration to the first murderer, and especially on the use now made of it by those who plead for the demolition of the scaffold, we would earnestly crave a candid consideration of the few subjoined suggestive reflections.

In subjecting this plea to examination, we

have no desire to convert it into ridicule, in: much as the narrative plainly says, 'a fugiti and a vagabond shalt thou be on the earth,' a: 'the Lord set a mark on Cain, lest any findi: him should kill him;' and especially because the equivocal exposition of the passage up: which it professes to be based by the gene: run of commentators. But with all these dra: backs, and the different renderings of some fe of its terms, we have quite enough to warra the remarks which we now propose maki: against the increasingly popular creed of t: abolitionist.

(1.) It is not quite clear that Cain was n slain. The assumption is not obviously deducib from the divine declaration, 'Therefore, wh soever slayeth Cain, vengeance shall be take on him sevenfold. And the Lord set a ma: upon Cain, lest any finding him should kill hin We submit that this language strongly indicat the extreme hazard which the murderer wou: run of being killed by every man who wou: find him, and that a peculiar law, fenced abo: with divine and fearful sanction, was necessa: to prevent his summary execution. But wh: was there to secure Cain's life against the han of a murderer more than there was to secure t: blood of Abel against the bludgeon of his twi: brother? If the divine law against murder w:

violated by Cain, might not a fiercer than Cain, and that too on the plea that Cain was not summarily executed, be found to retaliate on Cain himself? And have we not a highly probable and most natural exposition of this view in the language of Lamech?—'And Lamech said unto his wives, Adah and Zillah, hear my voice; ye wives of Lamech, hearken unto my speech; for I have slain a man to my wounding, and a young man to my hurt. If Cain shall be avenged sevenfold, truly Lamech seventy and sevenfold.' As this is in formal and consecutive context with the brief narrative of Cain's murder and punishment, as Lamech summoned his wives to hear his dreadfully solemn confession of a murder of seventy and sevenfold guilt, and as he measured this guilt in the scale of God's specific law against Cain's murderer, we do submit, that the natural, the extremely probable interpretation of the passage is, that Lamech was the instrument of executing the law of blood for blood on Cain, the first murderer. The abolitionist's reading of Lamech's confession of murder is non-natural; is, in every step of it, painfully awkward; and forces to the last shift of clinging to the unavailing rock of the interrogatory marginal rendering, and to the most puerile of criticism on the language, 'I have slain *a young man*.' Although Cain, at

the date of Lamech's confession, had reach
his six hundreth year, man's protracted term
life would have ranked him among the young

(2.) But although we were to concede th
Cain's life fell not under the retaliative blow
Lamech, and while we admit that the divi
declaration to Cain was, that his life should n
be summarily taken from him by man, yet it l
no means follows that the abolitionist's creed
true, that the divine law is not 'death for deatl
Are the obviously peculiar and markedly e
ceptional circumstances of this case to be
no account in our consideration of what the o
jector freely admits was the law of God to H
distinguished nation for fifteen long centuries
And we are dealing most fairly when we remir
the abolitionist, that his every plea, his who
creed, rests on circumstances. For surely a
his argumentation for the abolition of capit
punishment, even for the crime of murder,
based on the peculiarity of the Christian
contrasted with the Mosaic economy. And
he makes the most of his plea from circun
stances in a dispensation that was confessedl
typical, upon what ground can he deny us tl
use of circumstances of a most peculiar chara
ter, and connected with a dispensation in whic
type and ceremony could have no place?

But what were the circumstances peculiar

Cain's case—circumstances so peculiar that they cannot affect any other? The murder was committed in almost the infant state of the human family, when all the inhabitants of the earth were the immediate children of the first couple, —when they were sisters and brothers, and when the most obvious laws of consanguinity and affinity behoved to be contravened ere our race could be built up. Is the abolitionist prepared to hazard the application of his principle to the natural law of marriage, by insisting that man should marry his sister? As the members of Adam's family were but few, and these few in the closest bonds of consanguinity, who were to act the part of jurymen on Cain's trial, and bring in a verdict of guilty, if not his own brothers? And who was to execute the grim function of the public finisher of the law, if not Adam, his own father? Such a rare assemblage of extremely striking specialities not only warranted partial departure from the strict letter of the law, but such an exceptional deviation all the more clearly elucidates, and all the more firmly establishes, the law itself, while it indicates the exercise of consummate prudence. And we would hold it to be a work of supererogation to logically show that, by not inflicting death on the first murderer, the best feelings of our common humanity were spared severe laceration,

while the great end of penal justice was mor
firmly secured than by summary death.

(3.) The inspired narrative of Cain's cas
demonstrates, that 'death for death' was an
still is the law of God. This position, instea
of being disturbed, is clearly evidenced an
impregnably fortified, by the united declaratior
of God, of Cain, and of all the inhabitants c
the earth at that date. Let us briefly and calml
address ourselves to this main position, whic
throws light upon, and is exhaustive of, th
whole question at issue. Cain then declare
and in strongest and rending language, that th
punishment inflicted for his crime was no favou
no boon to him; that it was worse by far tha
death on the gibbet. 'And Cain said unto th
Lord, My punishment is greater than I ca
bear.' And instead of acknowledging his r
prieve a mercy, he dwells upon every part of
as increasingly severe, and, in its accumulatio
as pressing him down beneath an intolerab
weight. 'Behold,' says he even to God, 'B
hold, Thou hast driven me out this day fro
the face of the earth; and from Thy face shall
be hid; and I shall be a fugitive and a vagabon
in the earth: and it shall come to pass, th
every one that findeth me shall slay me.' An
may we not ask the modern abolitionist, whethe
in this finished picture of the wringing agon

the undiluted misery, of the first and reprieved murderer, he can discover a single trace of 'the dignity of human nature,' and whether, in his reprieve from the gibbet, Cain experienced a desirable deliverance and mercy? On second thought of this miserable culprit's self-declared position, guilt, and excruciating punishment, we would fain entertain the belief, that the abolitionist will not deem the reprieve of Cain a defence or ornament of his creed. But why so miserable on receiving a reprieve? Why exclaim, 'My punishment is greater than I can bear?' Was not his natural life sweet, and preferable to death by a public execution? Not so thought, and felt, and solemnly declared Cain, the murderer of Abel! His life was not worth having; it was an intolerable burden; it was a living death; it was hell upon earth. How accurately and painfully descriptive of the state and feelings of this reprieved murderer is the inspired language—'And to them it was given that they should not kill them, but that they should be tormented five months: and their torment was as the torment of a scorpion when he striketh a man. And in those days shall men seek death, and shall not find it; and shall desire to die, and death shall flee from them.' How true of our common humanity when continuously crushed, and how generally, in such protracted

and agonizing suspense, has it asserted its remnant of dignity, is the language, 'The spirit of a man shall sustain his infirmity; but a wounded spirit, who can bear?' In the face of every man and woman—and who were these but his brothers and sisters?—Cain saw one in arms against him, and ready to slay him; no eye looked sympathy upon him; no hand was stretched out to shield him; and no door was open to receive him;—tormented in walking up and down, he ran from the face of man, was driven from the face of God, and scared in his dreams! Cain was always hanging on the gibbet; was ever dying, and death fled from him! And this is the case of a spared, of an unhanged murderer, which the abolitionist delights to flourish in illustration and ornamentation of his system.

But to prevent any misconception on this aspect of the question, we shall, and in a sentence or two, dispose of the vulgar objection, that if Cain held his life so valueless, if he felt his reprieve to be so intolerable a burden, if his sore plaint is to be interpreted as if death were preferable to life, how could he express himself as in terror lest he should be killed by every man he met? The terms 'kill' and 'slay,' as used by Cain, remove this so-called objection. 'And Cain said unto the Lord, . . . and it shall

come to pass, that every one that findeth me *shall slay* me.' The murderer's torturing suspense respected not death, but death of a particular kind—death in its most revolting form, *death by murder*. His conscience photographed his own crime, brought up, in its every feature of vivisimilitude, the murdering scene, the pleading voice and eyes, and tremulous hands of a pious and affectionate Abel. His language indicates, especially in juxtaposition with his declared intolerable life, that death with all the solemnizing, and—can the abolitionist understand us?—decent formalities of the scaffold, was immeasurably more for the dignity of human nature, than the low, brutalizing, and most dreadful of deaths by murder, the kind of death which he had the infernal glory of inflicting on him whose shed blood cried to God for righteous vengeance.

The proof of Cain's reprieve for high and obvious reasons of State, as demonstrative of the divine law of 'blood for blood,' is rendered luminous by the declarations of God in commuting the murderer's sentence. How explain the murderer's overwhelming fear of finding in every one a bloody executioner? Can a more, or any other, satisfactory explanation of this alarm be offered, than a conviction of the existence of such a retaliative principle in every

bosom, and a fixed determination to make it operative by taking his life? And is it possible to conceive of a clearer or a stronger illustration and proof of that principle, as interwoven with the constitution of every man, as the fixed, the ineradicable law of our nature, the law of Heaven, the law of 'blood for blood?' And is not this fact, so vastly important in the present question, put beyond all reasonable doubt, when the murderer's alarm for its certain exercise respected, not the uncultivated savages of the desert, not the rude and cruel heathen, but his own nearest friends and relations, his father and mother, his every brother and sister? How deeply embedded in the human heart must this first principle of penal justice have been, when Cain cried out of agony to the Lord, 'And it shall come to pass, that every one that findeth me shall slay me!' In his language, there is no dubiety, there is no hesitancy, no faltering; the law is clearly and formally, distinctly and most strongly declared—'Every one *shall slay* me.'

In prosecuting this line of illustration, we are not shutting our eye to the low shift, that this was but the feeling and language of Cain; and that these whizzing rockets from a murderer's inflamed brain, these meteoric flashes of a disordered intellect, are the opposite of accurate indices of a primary law of our moral nature.

Had the language been merely and only Cain's; had it been reprimanded by Him to whom it was with dreadful solemnity addressed; or had it been allowed to be poured into the air, without anything save its own echo, we might have spent some time in chopping logic with the objector as to its natural and proper meaning. But we are delivered from such sorry work by the exposition of it by God Himself: 'And the Lord said unto him, Therefore, whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the Lord set a mark upon Cain, lest any finding him should kill him.'

This language of the Most High is, without all controversy, a direct acknowledgment of the justness of Cain's rending exclamation, of the reasonableness of his fear of being slain by any one who found him, of the existence and ready exercise by every man of this law of our moral constitution. To meet, therefore, the case as put by the murderer, the Lord said, 'Whosoever slayeth Cain, vengeance shall be taken on him sevenfold.' While, on the one hand, we have the original and divine law of death for murder, declared by Cain's alarm, acknowledged by God, and strongly operating in every bosom of the then living human family; on the other, we have a divine check put upon this original law by a special provision for its tem-

porary suspension, but not for its abolition And we have even in the Mosaic economy which the abolitionists readily admit was cha racterized by this penal law, not a few striking instances of its temporary suspension, while tha economy was abolished only by the death o Christ. One of the most noted of these instance of the mere suspension of that law will readil occur to the reflecting reader of the inspire volume, as that of David, the king of Israel who was convicted of the two capital crimes o adultery and murder. But what cautious an politic advocate of the abolitionist's cause would in noticing such cases, commit the blunder o confounding the exceptional suspension with th formal repeal of a law? And does not the mer suspension of any law, as the suspension of th well-known *Habeas Corpus Act*, most clearl demonstrate the existence of that law? An if this mode of reasoning such questions is uni versally resorted to, and has never in a singl instance been held invalid, the inference remove the popular objection, that Cain's reprieve wa the original law, and not the suspension of tha law.

This prominent part of the divine recor clearly and strongly brings before the unpre judiced reader the great, and on this questio decisive fact, that God, by putting a visible an

easily recognised mark upon the first murderer, interposed for the temporary suspension of the law of death for death; and thus taught mankind in all future ages of the world, that murder could alone be adequately and naturally met by the death of the murderer. 'And the Lord set a mark upon Cain, lest any finding him should kill him.' If ever advocate of a system was unhappy in illustrative instances, it is the abolitionist of capital punishment for murder when he adduces the case of Cain, whose life was a living death, whose every blood-relation was ready to empurple his fingers in his blood, who declared to God that he was a fair target to be shot at, and that he feared death only by murder.

(4.) Anxious to disentangle this question of all that mere feeling and prejudiced speculation have largely succeeded in throwing around it, and of all that sentimentalism has contrived to garnish it withal, we shall select for consideration another and still clearer passage of inspiration in proof and illustration of blood for blood, as the original and unrepealed law of our nature. And we would kindly bespeak the candour of the abolitionist to put forth an effort in restraining the fervour of his imagination against the assumed savagery of a murderer's gibbet.

The passage to which we refer, and with

which the abolitionists are thoroughly familiar, runs thus:—'Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made He man.' Now, this passage has every recommendation for an honest reader, a calm thinker, and even a pugnacious controversialist. Besides its inspiration, it is exceedingly brief; its terms are the very simplest; its self-division into three parts is natural and didactive; the speaker is one and divine; and the reason assigned is scarcely capable of misconstruction. The time when, the circumstances in which, and the person to whom, it was addressed by God, almost prevent the possibility of ingenuity itself putting it to the torture. It bears date immediately on Noah and his seven relations coming out of the Ark, and planting their feet upon *a new earth.* Noah was, in many striking respects, another, a second Adam. God reinvested him with that dominion which He gave originally to the first man; and as the world was to begin anew, He delivered to him, as at the head of this new world, the divine system of jurisprudence, specificating and emphasizing the comprehensively conservative law of death for death: 'Whoso sheddeth man's blood, by man shall his blood be shed.' But the date to which the passage alludes not only stamps this law as the original law of our nature, and shows that it is

designed as well as fitted to secure human life against violence, but it holds forth this law as thoroughly unfettered by anything of a mere dispensational, typical, or Mosaic character. As the date is previous to the organization of Israel by the thundering artillery from Sinai's summit, so we have free and firm ground to occupy in addressing ourselves to a brief consideration of the important topics bearing directly on this question which it contains.

In the *first place*, This passage most intelligibly describes the crime: 'Whoso sheddeth man's blood;' whoso taketh away man's life; whoso is guilty of murder. On this point, diversity of judgment is impossible, and there can be no room for debate. *Secondly*, The culprit, the murderer, to whom the law is to be applied, is described by the universal term *Whoso;* be he parent or child, prince or subject, master or servant: 'Whoso sheddeth man's blood.' And so universal is this term, that it was made to extend to and to embrace even the brutal creation, and which, centuries after, was incorporated into the Mosaic penal code. Accordingly, we read in the passage which immediately precedes that upon which we are commenting: 'And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every

man's brother will I require the life of man.' And then follows: 'Whoso sheddeth man's blood, by man shall his blood be shed.' In the *third place*, The penalty affixed to the commission of the crime of shedding man's blood is death: 'His blood shall be shed.' There is here no hint, no insinuation whatever, of a discretionary power given to any, from any consideration whatever, to commute the sentence, or to inflict any other punishment, as incarceration for life or any shorter term, banishment, or any kind of penal servitude. This principle was also introduced into the Jewish code, which meets the careful reader of the Old Testament Scriptures now and again: 'Moreover, ye shall take no satisfaction for the life of a murderer who is guilty of death; but he shall be surely put to death. So ye shall not pollute the land wherein ye are; for blood, it defileth the land: and the land cannot be cleansed of the blood that is shed therein, *but by the blood of him that shed it.*' And thus the law is not permissive, but stringently obligatory—of a purely imperative character. But the executioner of this dread penalty, of this punishment of death upon the convicted criminal, is with equal distinctness and formality specified: '*By man* shall his blood be shed.' The infliction of this last penalty of the divine law is not left to the work-

ings of providence; the culprit is not left in the hands of the divine Legislator; but is committed by the highest authority to man, as an awful, but most sacred and imperative duty. In the light of this frequently, pointedly, and most clearly revealed function of man towards the unhappy and convicted criminal, all such phraseology as 'judicial murder,' and 'sanguinary penal law,' is but the effusion of a naturally amiable although ill-informed mind on the plainest language of the inspired volume. And as man is ordained by God to be the executioner of this sentence on his fellow for this sanguinary crime, who among men in organized political society can consistently and appropriately discharge this severest of his functions, save the civil magistrate, the judicial representative of God in civil society? 'For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not *the sword* in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.' This inspired and most intelligible phraseology cuts off all occasion of diversity and conflict of view from every candid reader and reputable debater. But *finally*, The reason assigned for this law of death for murder, and its execution by man,—by man vested with judicial authority,—is most explicit, direct, and decisive.

'For in the image of God made He man.' This briefly expressed reason clearly and definitively stakes off the battle-ground, ropes off the arena on which we must conflict with the abolitionist for *the belt*, on this immensely important question. 'For in the image of God made He man.' As the settlement, the real settlement, of this question, especially among those controversialists who are prepared to submit their intellect and consciences to the infallible dictates of inspiration, necessarily rests on the true meaning of the phrase 'image of God;' so our principal task now, is to ascertain what that proper meaning is. And we feel encouraged to address ourselves to this part of our work, inasmuch as we cannot anticipate any formal and serious opposition to the sound and practical exposition of this phrase, which is sufficient for the purpose professedly sought by the abolitionists as well as by ourselves.

Scripture, then, declares the special and distinguishing glory of man in his pristine state as consisting in the image, the likeness of God, in which he was created. And this original image, which, by reason of the infraction of the positive law under which he was placed, was partially lost, is, when renewed, described as consisting of 'knowledge, righteousness, and true holiness.' Abstracting from these constituent elements the

spiritual quality, for restoring which we have provision made in the economy of grace, there remain all the intellectual and moral qualities of his original constitution. Although he has by depravity lost the original spiritual qualities of his nature, there still remain to him those moral and essential attributes of the image of God by which he is distinguished from the mere animals of the creation. He is still distinguished by reason, speech, and immortality. 'God teacheth us more than the beasts of the earth, and maketh us wiser than the fowls of heaven.' And as these three qualities of the image of God are still essential to man, so in the light of them we discover the fearful enormity of the crime of murder. How ineffably diabolical the perpetration of a deed that violently stifles the human voice imploring mercy, that quenches the light of the human eye that is beaming with intelligence and immortality, that cruelly disfigures the *os sublime*, indicating its divine origin, and that leaves such a noble work of the divine Architect a repulsive mass of flesh and smoking blood! Let the abolitionist contrast this horrid wreck of the fair human frame with the awfully imposing solemnities of the scaffold of him who could so mercilessly deface the image of God, and let him say what is that dignity of human nature which the murderer can justly claim,

and which his scaffold takes from him! The dignity of the brutal murderer is surely a hyperbole, a poetic licence, an abuse of even scenic representation.

But let us add to the above essentials of the murdering scene the main and inconceivably tremendous element, that the murderer has sent his poor mangled victim, besmeared with blood, and that, too, without a moment to commit his immortal soul to the mercy of God, to the eternal world. We confess to thorough inability to attach any proper, or indeed any definite or intelligible sense to the abolitionist's grandiloquence against the bloody criminal's gibbet, and the insult thereby offered to his dignity.

But passing from this somewhat expository digression, we are honestly anxious to know how the abolitionist will expound the reason here assigned by God for the law of death by man for the crime of murder. Most obvious it is, that he cannot apply his stock-in-trade plea of the Mosaic dispensation to this reason, which was assigned not to Moses, but to Noah; that he cannot object to the admixture of any human element in this reason, which is given by God alone; and that to allege, and in the very strongest and most unmeasured language, the unrighteous severity of God's law, and His for-

mally assigned reason for it, is a foul-mouthed libel on the merciful character of God, and that, too, when promulgating the most salutary of laws for the preservation of our natural lives against murderous hands. Are we to expect more mercy from the abolitionist's creed than from the law of the merciful God, whose law is the expression of His infinite wisdom, goodness, and every essential perfection of His immaculate and glorious nature?

The question, however, which we have to put to the abolitionist, and to which we ask a plain and honest answer, is, Admitting as he does that the image of God comprises the faculty of speech, intellect, and immortality, does it follow that in the year of grace eighteen hundred and sixty-four man is not in the image of God? Can it be inferred in any intelligible sense, or in any conceivable sense, that the reason assigned by God to Noah has lost any of its reality, its truth, its validity, in the present age, or that it could possibly lose its applicableness to man in any age, in any clime, or in any dispensation? We feel confident that the most intellectually gifted of the abolitionists will never be able to return a reply to this simple question, which will accord with the cardinal principle of his creed, unless he formally, and at once, deny that man is now made in the image of God. And if any of the

human family has lost these moral elements of this image, we do think the abolitionist himself will not scruple to admit that that man is the murderer himself.

(5.) That the divine law of capital punishment for the crime of murder is still in force, appears from the conspicuous place it holds in the Scriptures of the New Testament. Although we deem our reasoning above, in illustration and defence of our position, quite sufficient to satisfy an honest inquirer after revealed truth, and although we design not to reply to mere cavilling and irregular bursts of feeling; yet, more for the sake of others than himself, we propose a brief consideration of the pet but more vulgarized plea of the abolitionist. As a last resort, he is constantly making his boast not only of the silence of the New Testament Scriptures on this law, but on their formal contravention of it. Before, however, addressing ourselves to this assumed plea, which is put forth with more confidence than caution, we may look at the positions in the discussion which we have already established.

We have found, then, that the law of capital punishment for the crime of murder was divine; that it was coeval with the first man; that it was renewed to Noah with the reason, that 'man was made in the image of God;' that this reason

respects man in every age, in every clime, and in every dispensation; and that this law, which was promulgated by God, and executed by man, thousands of years previous to the Mosaic economy, could not possibly be peculiar to that economy. While we hold these positions to be impregnable by the abolitionist, and not assailable by any species of reasoning; yet, in our concern for a deliverance from every entanglement, it may be of advantage to those who are in danger of yielding up their judgment to the witchery of poetic sentimentalism, and the daily ill-digested lucubrations of popular journalism, to expose the wretchedness and rottenness of the abolitionist's last and worst plea.

As preliminary to a direct and formal reply to the confidently flourished question, Where have we, in the Scriptures of the Christian dispensation, any reference to the law of capital punishment for murder? we beg leave to submit to the candid consideration of the abolitionist the following remarks.

First, Have we not, in the New Testament Scriptures, and as declared by Christ Himself, frequent references to the moral law, and a regular enumeration of its ten precepts—the sixth among the rest—as still in existence and force? And have we not our Lord's didactive discourse on the mount, a discourse which deals

exclusively with moral, and not with Jewish political laws or ceremonial rites? Who requires to be informed that this longest and most formal of all our Lord's discourses respected the doctrines, not of the Jewish Church, but of the new, the spiritual kingdom of the Gospel? The nature of Christ's spiritual kingdom was not at all understood by the great body and bulk of the Jewish people, who, by reason of Jewish prejudices, and the carnalizing expositions of the Rabbis, indulged the gross expectation of a temporal sovereignty over the world by a temporal prince, resident in Jerusalem, as the metropolis of the world. As essential to this expected kingdom, the Scribes taught the abolition of the law of the ten commandments, so solemnly promulgated by the divine Lawgiver from the summit of Sinai. With the object of removing this popular but nationally ruinous prejudice, our Lord set Himself to deliver the divine law from the Rabbinical glosses which adumbrated its spiritual glory, and ignorantly assumed its abrogation. And as directly bearing on the topic under consideration, our Lord, after declaring the Beatitudes, addresses Himself to what was His great work—the fulfilment of the moral law, which, in all its precepts, was to continue in His kingdom with its original authority, and higher motives of obedience.

'Think not that I am come to destroy the law or the prophets: I am not come to destroy, but to fulfil. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled.' Surely the abolitionist will not hazard the plea, that this language respects the political constitution or the ceremonial law of the Jewish nation and church; for as these were confessedly abrogated by the death of Christ, no other save the moral law remained. And if He said of this remaining law, that He came not to destroy but to fulfil it, the inference most obviously is, that the moral law still remains in force.

But the point of these remarks on Christ's discourse is, that He immediately applies what He had said of the moral law to its sixth precept, 'Thou shalt not kill.'—'Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill, shall be in danger of the judgment.' And it will not serve the abolitionist to admit that murder is here no doubt condemned, but that nothing is said of the punishment to be inflicted for the perpetration of the crime. If this plea be good for anything, it overthrows the abolitionist's position, that the murderer ought to expiate his dark crime to society by some severe punishment, short of

death. If he will insist on the assumption of silence as to the punishment, then the silence prevents him insisting on imprisonment, banishment, or any other of his penal proposals. Is it not a more natural inference from this and many other passages of similar phrase and identical import, that, as the specific punishment for the crime is not formally stated, therefore the penalty which his audience well knew was affixed to that crime remained in full force? And as we have no expectation of the abolitionist succeeding in giving any other interpretation, free of most serious and gravelling objections, we shall not insist on the strong term, *judgment*, as showing what belongs to the civil magistrate in the infliction of the penalty of death on the murderer, as the one and only idea that the audience could possibly entertain; for to suppose that Christ's audience could conceive of the abolitionist's creed, is imposing too much on man's credulity.

But, in the *second place*, it will not surely be held as valid reasoning in favour of the abolitionist's creed, that the New Testament Scriptures abound with strongest and sweetest injunctions and recommendations of brotherly love. It is somewhat painful to be obliged, in the discussion of so grave a question as that under consideration, to follow the opponent

throughout the spacious and altogether irrelevant field of declamation. But as most of the popular questions of the age, and especially of an ecclesiastical character, are settled by warm appeals to passages of this class, it may not be a digression to briefly consider the argumentative worth of such a species of modern reasoning.

Are we to understand by this ready eulogium on this spirit of love to God and man which animates the body of the New Testament Scriptures, that it is denied by those who plead for the divine law of death for death? or is the popular use thus made of it designed to represent those who plead for this law as sorry, or disappointed, at discovering so much love in the Scriptures of the Christian dispensation? We do not ask, Is this fair in reasoning? but we do ask the abolitionist, if this is the designed effect of such a species of argumentation, whether it is a clear exemplification of the very brotherly love which he so rapturously presses upon all men, as their first, last, and most comprehensive of Christian duties? We hold the strong, if not the harsh, terms that pervade his defences as scarcely in accordance with his claims to a monopoly of brotherly love.

But if the above is not a correct translation of his language, it certainly does set the New Testament Scriptures, in regard to brotherly

love, as not only far superior to those of the old, but in very strong and impolitic contrast with them. And we do not think we are presumptuous in affirming, that this principle is fully as characteristic of the Scriptures of the Old as of the Christian economy, and that the language employed to describe and recommend it, is fully as rich and attractive in the former as in the latter. And without suggesting, in demonstration of this affirmation, the common mode of parallel columns, we leave the decision, not to the imagination, but to the judgment of the abolitionist himself. In taking leave of this declamatory department of the abolitionist's defence, we would kindly suggest for his consideration, that the law of brotherly love, so warmly recommended in the inspired writings of the New Testament, is declared to be the very same law which runs throughout the writings of Moses. The beloved disciple, in professedly treating of this subject, says, 'Brethren, I write no new commandment unto you, but an old commandment, which ye had from the beginning: the old commandment is the word which ye have heard from the beginning.' And what is more appropriate than the tender but strong pointing of this old law of love, by the same beloved disciple, to the case of Cain the murderer? 'For this is the message that ye have heard from the be-

ginning, that we should love one another. Not as Cain, who was of that wicked one, and slew his brother. And wherefore slew he him? Because his own works were evil, and his brother's righteous.' Nor can this popular kind of declamatory discussion be allowed to pass, as if the execution of the divine law upon the convicted murderer were an act, not of love, but of extreme cruelty. This is mere assumption; mere talk, and not reasoning.

In the *third place*, although these remarks carry with them more of an argumentative than a preliminary character, yet we shall now address ourselves to a more direct and formal reply to the abolitionist's incautiously put question, Where have we in the Scriptures of the New Testament a single declaration or hint, that the Mosaic law of blood for blood is still in force? or, Does not the silence of the Scriptures effectually set aside the murderer's gibbet? Now, we claim in turn the privilege of putting to the abolitionist an equally pointed and appropriate question, Where have we in these Scriptures a single declaration or hint in condemnation of the murderer's gibbet? And we confidently submit it is not a fair reply, that 'where there is no law, there is no transgression.' For it is universally admitted that this law of death for murder holds an extremely prominent place in

the writings of Moses; and unless the abolitionist can show us, in the New Testament Scriptures, THE REPEAL of that law, most unquestionably it must still be in force. A specific and very peculiar law *unrepealed* by Christ the Lawgiver, we require not to prove by formal reasoning, is still law. And thus the very *silence* of the New Testament Scriptures, on which the abolitionist, with more confidence than intelligence, appears to rest his defence, is a clear and intelligible confutation and condemnation of his whole theory. And it is certainly of significance at this stage of the discussion, that we have not the repeal of such a law—of a law that imposes on the kings of the earth the gravest and most solemn responsibility, and a law against the execution of which we have all the sentimentalism of the nineteenth century. But this exposition of the assumed silen e of the New Testament Scriptures receives additional clearness and confirmation in the light of the repeal of many other laws of the Mosaic economy. In his epistle to the Hebrews, the illustrious apostle of the Gentiles not only reasons the necessary abrogation of the Mosaic system by the death of Christ, but he furnishes us with a list of the abolished various laws, ordinances, and commandments of that system. The question is a very natural and fair one, and we pro-

pose it to the abolitionist: How comes it that, from this catalogue of the laws and ordinances of the Mosaic economy, is omitted this law of God that was in existence and operation for four thousand years? In such a catalogue of repealed laws, it was most natural to expect a formal and most specific repeal of such a law as death at the hands of man for the crime of murder.

And, in *the last place*, the New Testament Scriptures do not, as the abolitionist so ostentatiously assumes, lack many and marked instances of the acknowledgment and execution of the law of death for the crime of murder, to a few of which we shall now advert, for the purpose of 'putting to *silence* the ignorance of foolish men.'

When our Lord was placed at the judgment-seat of Pontius Pilate, the judge proposed that the prisoner should, according to a Jewish custom, be released; to which Christ's inveterately malicious and clerical accusers decidedly and vociferously objected. The inspired narrative of this immensely interesting and deeply instructive fact is thus set forth: 'Now at that feast he released unto them one prisoner, whomsoever they desired. And there was one named Barabbas, which lay bound with them that had made insurrection with him, who had committed mur-

der in the insurrection. And the multitude, crying aloud, began to desire him to do as he had ever done unto them. But Pilate answered them, saying, Will ye that I release unto you the King of the Jews? (For he knew that the chief priests had delivered Him for envy.) But the chief priests moved the people, that he should rather release Barabbas unto them.'

Now, in this passage of holy writ, we have at least the following facts, as bearing directly on the subject under discussion: that Barabbas was formally convicted of murder, lay in prison under sentence of death for that crime, and was on the eve of his public execution; that this sentence of death was not objected to by Pilate the judge, by the chief priests and Jewish people, or by Christ Himself; and that, as Christ was a public reprover of sin, and Heaven-commissioned expounder of the divine law, He would most unquestionably have objected to the law that condemned Barabbas to death, had his death been in contravention of that law. Neither is it of any avail that the abolitionist urges against this simplest form of reasoning, that at this time the kingdom of Christ was not introduced, and the Mosaic economy was not abolished, and Christ's silence must be interpreted of His approbation of the Mosaic law of blood for blood; because, some time after the formal abrogation

of the Mosaic and the introduction of the Christian system, Peter charged this crime against his audience at Jerusalem: 'And when Peter saw it, he answered unto the people, Ye men of Israel, why marvel ye at this? or why look ye so earnestly on us, as though by our own power or holiness we had made this man to walk? The God of Abraham, and of Isaac, and of Jacob, the God of our fathers, hath glorified His Son Jesus; whom ye delivered up, and denied Him in the presence of Pilate, when he was determined to let Him go. But ye denied the Holy One and the Just, and desired a murderer to be granted unto you; and killed the Prince of life, whom God hath raised from the dead; whereof we are witnesses.' If, therefore, this most solemn charge of Peter has any meaning at all, it must of necessity have this, that Barabbas, the convicted murderer, had incurred the just sentence of death, and deserved to die the death.

Of the same class of passages have we that which records the conduct of the two thieves, or, as the term is rendered, the two malefactors, who were crucified on either side of Christ. One of them, and while enduring the exquisite agony of crucifixion, undertook to revile the Son of God as a pretender, but was condemned in the hearing of those nearest the cross, in lan-

guage vindicatory of the character of Jesus but condemnatory of themselves, as justly suffering death for their violation of the law: 'And one of the malefactors which were hanged railed on Him, saying, If Thou be Christ, save Thyself and us. But the other, answering, rebuked him, saying, Dost not thou fear God, seeing thou art in the same condemnation? And we indeed *justly;* for we receive the due reward of our deeds: but this man hath done nothing amiss.' The remark that this was merely the declaration of one of the two malefactors, is not only puerile, but shows that such a critic feels the ground shaking under him. It requires no exegetical skill to interpret this passage as not only vindicatory of Christ's character, and the injustice of man's sentence of death against Him, but as bearing on the present question a formal and divinely approved infliction of the penalty of death on the violators of the law. And we say divinely approved acknowledgment of the sentence of death by this malefactor, not only because the suffering Lord did not formally declare the truth of the acknowledgment, but because the suffering malefactor heard from Christ's lips on this awfully sublime occasion, 'Verily, I say unto thee, To-day shalt thou be with Me in Paradise.' This sustaining assurance to the sufferer can bear no other meaning

than our dying Lord's seal of approbation to this public acknowledgment.

In the same category have we the calm and highly dignified defence of the Apostle of the Gentiles, when charged by his countrymen, who had come down from Jerusalem to Cæsarea. When Festus put the question, 'Wilt thou go up to Jerusalem, and there be judged of these things before me? Then said Paul, I stand at Cæsar's judgment-seat, where I ought to be judged: to the Jews I have done no wrong, as thou very well knowest. For if I be an offender, or have committed anything *worthy of death, I refuse not to die.*' This dignified bearing at the tribunal of Festus, so characteristic of the prisoner, brings before the reader language which implies, and which can only imply, that there was at least one offence, one crime, which merited capital punishment; and if that was not murder, if murder was not included, let the abolitionist tell us what it was. For if death was inflicted for any less grave offence, most assuredly this horrid crime could not be visited with less severity. Against this instance, and others equally marked, and of frequent occurrence in the Scriptures of the New Testament, there is no place for the objection, that it belongs to the Mosaic law, for it dates fully thirty years subsequent to the ascension of Christ to glory.

Without citing and commenting on other passages of the New Testament as containing individual instances, we may conclude this CHAPTER by referring to instances of a public, of a national type, by which is brought out in clear and bold relief, the great, and to society the beneficent, the preserving principle, that, 'Whoso sheddeth man's blood, shall his blood be shed by man.'

The first of these instances to which we beg the abolitionist's attention, respects the highly conservative principle of divine retaliation, commonly inflicted by human instrumentality. The unexpiated and sanguinary persecution, the foul and clamant murder of the saints of God, which had lain over for long four thousand years, the Prince of peace solemnly declared would, and without all fail, be visited upon the generation that survived Christ's crucifixion fully forty years. Although the guilt of these murders, which extended over four thousand years, had been not only forgotten, but when partially remembered was converted into a subject of fruitless regret; yet Jesus declared it should be made to fall in its concentrated force on the head of the nation that had empurpled its hands in the precious blood of the Son of God. 'Truly ye bear witness that ye allow the deeds of your fathers: for they indeed killed them, and ye

build their sepulchres. Therefore also said the wisdom of God, I will send them prophets and apostles, and some of them they shall slay and persecute: that the blood of all the prophets, which was shed from the foundation of the world, may be required of this generation; from the blood of Abel, unto the blood of Zacharias, which perished between the altar and the temple: verily I say unto you, It shall be required of this generation.' This strong and comprehensive language is so strikingly exhaustive of all conceivable objections to the existence and continuously operative character of the divine law of blood for blood, that it is an eminent call on the abolitionist immediately to address himself to an exposition of it in accordance with his creed. It includes the penalty of death for shed blood from the death of Abel, when this law was first promulgated, and embraces the indescribable horrors of the siege and sack of Jerusalem, seventy years after the birth of Christ.

Of the same character and import is the united cry, during twelve hundred and sixty years of Antichrist's dark and sanguinary domination over Christ's apocalyptic witnesses in Europe, of their shed blood in the ears of Him who says, 'Vengeance is Mine, and I will repay.' The cry of that blood shed throughout

Europe, and altogether restricting the subject to the Christian dispensation, and which is clamant while we write, overthrows the last stone of the abolitionist's fancied tower of defence. 'And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: and they cried with a loud voice, saying, How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth?' As the phraseology of their blood crying with a loud voice brings up what is said of Abel's blood crying to God from the ground, so the inference is too obvious to escape observation, that this law of blood for blood is as operative in regard to the murder of Christ's martyrs in Europe and Scotland, as it was in regard to the murder of Abel by his brother Cain. In other words, this phraseology of the crying unto God of the shed blood of Abel and the European martyrs of Christ, demonstrates to the commonest intellect, that this law is restricted to no clime, to no age, to no economy.

We do fondly hope that the abolitionist who may favour these pages with a perusal, will labour to deliver himself from those popular prejudices which would view the martyrs' loud cry to God for retaliative justice as either a

language in accommodation to that of the Jews, or a burst of imagination, or as alien to the merciful genius of the Christian dispensation. And, as contributing to this desirable end, we would invite him to calmly consider Heaven's approbation of that cry, in the response made to it by the God of Christ to whom it was incessantly and earnestly addressed: 'And white robes were given unto every one of them; and it was said unto them, that they should rest yet for a little season, until their fellow-servants also, and their brethren, that should be killed as they were, should be fulfilled.' And were any additional and still stronger proof required for confirming the principle of righteous retaliation, a principle which lies at the very bottom of the divine law of blood for blood, and is daily receiving its fulfilment in European bloody conflicts, we would crave the abolitionist's most serious attention to the not-to-be-misunderstood apocalyptic phraseology: 'He that leadeth into captivity, *shall go into captivity:* he that killeth with the sword, *must be killed with the sword.* Here is the patience and the faith of the saints.'

CHAPTER III.

INSANITY.

'JESUS SAID, THOU SHALT DO NO MURDER.'

THE subjects that fall to be considered under this chapter, are of a most startling and appalling character. As they bring to the surface what lies at the bottom of our common depraved nature, so they demonstrate the appropriateness of the inspired phraseology employed to describe the dark and sanguinary capabilities of every unregenerated heart. These facts, which are increasingly, and to an alarming extent, staining the pages of Britain's daily journalism, and forming material for our most popular sensational literature, furnish a painfully clear and accurate exposition of the scriptural doctrine of original sin, especially in its phase of depravity. The frequency with which the horrid crime of murder is now perpetrated, the novel and scientific modes resorted to for its commission, the perplexing complications that are thrown around every judicial trial of the man-slayer by the

element of insanity, and the imperturbable familiarity which every department of society has acquired in reading and talking of such cases, deliver the cardinal doctrine of our morally vitiated constitution from the sceptic's exposition of such scriptural phraseology as, 'The heart is deceitful above all things, and desperately wicked: who can know it?' It has not escaped the observation of not only the more seriously affected portion of the community, but of the general journalism of the day, that, notwithstanding weakest clerical attacks on the plenary inspiration of Scripture, the calendar of sanguinary crime is a matter-of-fact testimony to the truth of our Lord's declaration, point blank against Arminianism in its every aspect, that, 'Out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies: these are the things which defile a man.' And thus, in the overruling providence of the Author of the volume of inspiration, we have the strongest proof of its plenary inspiration in the conduct of its would-be literary assailants, and especially in the atrocious crimes of the age. 'Surely the wrath of man shall praise Thee; the remainder of wrath shalt Thou restrain.'

Assuming that we have succeeded in establishing that the law of death for death is the

absolute, the unrepealed law of God, that it was peculiar to no economy, age, or clime, we now advance to a brief consideration of some of the more prominent kinds or species of the horrid crime of murder, as included in Christ's formal and solemn declaration—'Thou shalt do NO murder.'

The order of the topics that require to be considered, and that pre-eminently brand our times, may thus be arranged:—Suicide, or self-murder; Feticide, or the murder of the child before born; Infanticide, or the murder of the infant; murder of a relational character, as Parricide and Fratricide; and Homicide, or the murder of any person not included in the above catalogue. In addressing ourselves to a brief consideration of the different kinds of the infraction of the sixth precept of the moral law as now specified, we have neither design nor desire to enter on the thorny field of medical or legal speculation, which we verily believe has largely contributed to throw a damaging uncertainty over the administration of the law of the land, and is not guiltless of sunning into hazardous activity the murderous propensities of our morally corrupted nature. Our object is rather and specially to consider the moral character of these different forms and kinds of a breach of the law of 'Him with whom we have to do, and

before whom all things are naked and open.' This mode of treating the subject is better fitted to engage the intellect of the masses, and to regulate the moral elements of human nature, which constitute the seat of the malady, and when boisterous and the wind is up, leave the tossed bark of the intellect a prey to the most malign influences. 'Son, give Me thine heart.' It may be of practical use in separating the essentials of the question from the fictitious adjuncts with which its discussion has been oft perplexingly associated, to premise, that the divine law has distinguished, and that too according to the Mosaic code, betwixt murder and the taking away of human life; and this distinction is all the more important as it directly affects the main question at issue—the penalty of death for murder, or the wilful shedding of man's blood.

It is not then a breach of the divine law when the civil magistrate consigns to death the judicially tried and fairly convicted murderer. 'Whoso sheddeth man's blood, *by man* shall his blood be shed.' 'And he that killeth any man, shall surely be put to death.' In like manner, and to the same purpose, does the law justify the taking away of human life when forced to act in self-defence: 'If a thief be found breaking up, and be smitten that he die, there shall

no blood be shed for him.' Another, and very largely and interestingly described exceptional case—exceptional as to the main element of the crime of murder, and consequently as to the penalty of death—respects the man-slayer. This case lacked intention, not only the intention, the design to kill, but even to injure him whose life has been unawares or *accidentally* taken away by the man-slayer. The law provided that he should not be brought to public trial, or visited with judicial death. For the man-slayer's safety six cities of refuge were appointed, and within which was sanctuary against every avenger of blood: 'These six cities shall be a refuge, both for the children of Israel and for the stranger, and for the sojourner among them: that every one that killeth any person unawares may flee thither.' Notwithstanding the merciful provision of this clearly expressed law, yet to mark the value of human life, and to impress on the individual and national conscience the divine abhorrence of shedding human blood, the man-slayer was subjected to severe punishment, and ran the hazard of losing his life. The avenger of blood, or nearest of kin to the slain man, was allowed to put forth his every effort to overtake and cut down the flying man-slayer, when bounding towards the nearest city of refuge. Nor was he out of danger even upon reaching this

asylum; for it was allowed the avenger of blood to take away his life if he could find him but for a moment without its walls: 'And the congregation shall deliver the slayer out of the hand of the revenger of blood, and the congregation shall restore him to the city of his refuge, whither he was fled: and he shall abide in it unto the death of the high priest, which was anointed with the holy oil. But if the slayer shall at any time come without the border of the city of his refuge, whither he was fled; and the revenger of blood find him without the borders of the city of his refuge, and the revenger of blood kill the slayer; he shall not be guilty of blood.'

While these are the three divinely specified exceptional cases to the infliction of the penalty of death for shedding blood, it is a question of startling interest, How comes it that we have not, in these exceptional cases, any reference or allusion to, or hint about, insanity or fatuity? While open to correction, we are not aware that there is in any single passage of the inspired volume any explicit allusion to insanity, fatuity, or any species or degree of mental aberration, as of avail in staying the due course of public justice in visiting the shedder of human blood with the penalty of judicial death. And it will not satisfy an intelligent mind, inquisitive about

the real merits of this gravest of questions, to be treated to far-fetched and tortuous inferential reasoning; especially as insanity in all its kinds and degrees was to cut so very prominent and influential a figure at the judicial trial of indicted murderers. And if ever this question merited, and for the safety and honour of the commonwealth demanded, a practical settlement, it most assuredly is at the present time, when the judicial trial of every convicted shedder of human blood has, as a matter of course, the bewildering complications of recklessly ingenious but withal most conflicting theories, on what constitutes insanity. That these theories, now up and discussed at every, or almost every, public trial for the crime of murder, and discussed in serious conflict by the very highest medical authorities when put on their formal and solemn oath, are most formidable obstructives of the administration of public justice, may be extended to other crimes besides murder, act as a *bonus* on the more reckless portion of the commonwealth, and virtually degrade us to a nation of madmen, requires not formal reasoning to demonstrate. Such a matter-of-course, and, in every public trial for murder, universally expected theorizing and speculating loosens the main pillars of the social fabric, sets the most explicit and stringent laws of the

country at nought, converts trial by jury into a solemn farce, and renders property and character, and life itself, thoroughly insecure, because of the irreconcilable definitions of insanity. Nor does such a fact of now almost daily occurrence bring the boasted advance of science into favour with the half-educated classes of society.*

But the question recurs, How explain the silence of Scripture on insanity as affecting the guilt, the responsibility, the liability to punishment, the punishment of death of the murderer? And without indulging in speculation, it may serve a practical purpose to hint, that the non-intention to kill, which is oft assumed as essential to insanity, is inconceivable, as the fact of the murder demonstrates; and without encumbering the question with speculations on the motives, still the insane must have motives of some kind. Neither is it transparent, that the lack of reason or mental aberration is a morally sound plea for

* On the morning after writing the above, we read the confessions of the convict Bryce, for the murder of the young woman at Ratho. At his trial the highest medical authorities confidently and solemnly deponed to his insanity. But Bryce now declares that his forgetfulness of the crime was all a sham; and that the course he pursued 'was suggested to him by reading similar cases in the newspapers.' Might not similar conduct on the part of the Home Secretary bring up many like confessions?

irresponsibility in the perpetration of murder. Although to formally discuss this question does not directly accord with our specific object, yet it may not be altogether out of place to insist on a direct answer to the plain question, Wherefore has the divine Lawgiver not made the element of insanity a plea in bar of the infliction of the penalty of death for shedding human blood? We expect not that it will be affirmed, that from Adam to the advent of Christ there was none of our family afflicted with this dreadful calamity; and it is too formally and repeatedly stated to be questioned, that, in the days of Christ's tabernacling on earth, insanity of various kinds and degrees was extraordinarily prevalent; while in expounding the moral law, He never for once alluded to insanity as a plea against public justice taking its regular course. And we cannot believe that during these long four thousand years there were no instances of shedding blood by the insane. We therefore refuse to sustain as a relevant reply to this question, that the very fact of insanity rendered it altogether unnecessary to have a formal law on the subject. Such a slipshod answer, as it assumes that the lack of well-regulated reason destroys responsibility, most incautiously plunges into the abyss of moral ethics, which neither the respondent nor the masses of society are

adequate to discuss, at least for practical purposes.

While we refuse, as not directly affecting our specified object, to enter upon a minute disquisition of all the elements essential to moral responsibility, yet we would kindly suggest the propriety, if not the profit, of the sceptical abolitionist examining his main position on this phase of the question, whether right reason be essential to responsibility in the light of plainest scriptural statements? If sound reason be held as absolutely essential to constitute responsibility, then let the abolitionist explain the justice of the divine Lawgiver, in condemning to death the irrational beast of the field, which, by merely following out its perverse instincts, has taken away the life of man. Previous by many centuries to the Mosaic code, was the law given to Noah: 'And surely your blood of your lives will I require: at the hand of every beast will I require it.' And this intelligible law, although not peculiar to, was yet incorporated with, the law of Moses, and strictly executed by stoning the animal to death: 'If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit. But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and

he hath not kept him in, but that he hath killed a man or a woman; the ox *shall be stoned*, and his owner also shall be put to death.' For meeting this law, upon which the most intelligent and humane still act, the sceptic is deprived of pleading his habit-and-repute argument of its being Mosaic, and now abrogated.

In illustration of what is meant by the above line of remark, we may refer to the case of a murderer who commits the tremendous crime under the influence of intoxicating liquor. Although there are obvious differences betwixt the cases of the intoxicated and the insane murderer, especially as the former had it in his natural power to resist the exciting cause; yet, when under the influence of ardent spirits, he has no more control over his intellect and moral powers than the insane murderer,—on the point of mental and moral incapacity, their cases are identical. But does the law of God or of man hold the murderer who had lost all command over his intellect to be irresponsible, to be innocent of the crime? Were the plea of mere lack of right reason, as destructive of responsibility in the perpetration of crime, valid, it will not be easy to demonstrate the responsibility of a single murderer from Cain to Bryce. Every murderer is out of his mind; is morally, and, as to right reason, is intellectually insane. The nature of

the crime, its bloody accompaniments, and, above all, its incalculably dreadful consequences on society, and both the parties in the eternal world, demonstrate the perversion of the intellect, and the every element of the moral constitution of the murderer. This plea of insanity, as now used by barristers, and as coming into most extensive popularity, must be held as embracing anger, and any of the other more violent passions of the human bosom. Nor is this mere speculation; for instances of frequent occurrence of love, violent anger, and excitement, are held by public prosecutors as valid pleas for not only restricting the libel to a minor charge, but for dropping the prosecution altogether. When such pleas are preferred and sustained, it will require a more than ordinary amount of ingenuity to show the masses, and the common intellect of juries, that shedding the blood of man is a crime at all, or a crime that calls for a more than ordinary punishment. And is it too much to affirm, that from such popular reasoning at the bar, and such conflicting evidence as to insanity by the highest medico-legal authorities, flows the startling and appalling increase of this most serious and atrocious of crimes?

The professional distinctions, and almost interminable divisions and subdivisions, in regard

to insanity, have become a painfully fruitful field of bamboozlement for most intelligent juries in criminal cases, and of gladiatorship among barristers, while life and death tremble in the balance. This dreadful state of matters loudly calls for wisest legislation, and that too immediately, lest public justice in any and in every civil and criminal case be made to depend, not on legislative clear definition, but on the fickle and unintelligible pleadings of artful advocates. It would appear that society is, in the present most damagingly uncertain state of conflicting theories of medical authorities, and of teazingly equivocal pleadings at the bar, on the question of insanity, indebted to the solid erudition and sound sense of the judges, whose high and valuable function it is to charge the juries. But still, in consideration of the present mood of the age against capital punishments, this judicial safeguard, as it is more of a personal than a judicial character, is extremely precarious. But here, again, we have to encounter another of the many serious inconveniences of the increasingly popular agitation against the punishment of death for murder, in risking a strong and decided call on the legislature of the country. And besides all this, as the legislature, in framing a measure to meet the very clamant exigencies of the case, would necessarily have before them

the most antagonistic evidence of the highest medical authorities, their task, if not impossible of execution, would most assuredly be a Herculean one. The well-weighed deliverance of not the least celebrated of these authorities, Alfred S. Taylor, in his 'Manual of Jurisprudence,' says, 'It is impossible, in medical jurisprudence, to give any consistent definition of insanity.' And while this is the deliberate judgment of a professional writer on this subject who is second to none, and which strongly contrasts with the rash and immature speculations of professional sciolists in recent cases of murder, how difficult for the most erudite Committee of the House of Commons to extract matter for an intelligible Bill on this question! But although the difficulties in the administration of justice in criminal cases, because of the want of an exact definition of insanity, are numerous, yet they are not few in conducting cases that are purely civil. Those professionally versant in these questions are aware of the fact, that the civil law allows greater latitude under insanity than the criminal; so that the former holds to be legally valid, especially in deeds of a testamentary character, what juries under the latter would hold to be most obviously invalid. Out of many instances in point we may select the following, of date 1838. In the case of Morgan

v. Boys, the testator by his will had left a large fortune to his housekeeper. The will was disputed on the ground that the deed bore evidence of the testator's insanity when the will was made. The testator directed that his executors should 'cause some parts of his bowels to be converted into fiddle-strings, that others should be sublimed into smelling salts, and that the remainder should be vitrified into lenses for optical purposes.' In a letter attached to the will, the testator thus explained himself:—'The world may think this to be done in a spirit of singularity or whim, but I have a mortal aversion to funeral pomp, and I wish my body to be converted to purposes useful to mankind.' The court held that insanity was not proved, and pronounced for the validity of the will. (Taylor's *Manual*, p. 660.)

The distinction held by the great majority of writers on medical jurisprudence between *moral and intellectual insanity*, is valuable for other purposes than those for which they have made it. This appears to be the judgment of such eminent authors as Marc, Esquirol, and Prichard. Their definition is to the effect, that moral insanity respects the perversion of our moral nature—our passions, feelings, and emotions. Intellectual insanity, on the other hand, respects mental aberration. And these authors maintain that moral insanity exists, and perpetrates some

of the most atrocious crimes, while the intellect remains calm and unclouded. In illustration of this opinion, their works abound with numerous striking and appalling instances; and to this most curious selection of instances, Mr Taylor adds not a few of those that have come for judicial investigation before English courts. And although the law at present hesitates to recognise moral insanity, or, in theological phrase, *moral depravity*, yet it cannot be denied that moral depravity must seriously disturb the mental powers, by giving a colouring and direction to their perceptions. Assuming, then, as we are warranted to do, that moral depravity has corrupted the whole inner man, it is a fair inference that this moral depravity is at the bottom of mental insanity in its every phase. This opens up a field for curious and not unprofitable speculation on the question of the responsibility of the insane. For it will not be affirmed, that any physical evil can afflict any of our family without a moral cause; such an affirmation is virtually, if not formally, impeaching God Himself as playing the tyrant with His immortal creatures. Without all controversy there must be some reason that will justify the peerlessly holy attribute of God for the dreadful calamity of insanity in its every form and degree. To reason that the mental and moral derangement

of any immortal being is traceable and ascribable to natural causes alone,—to natural causes deeply implicative of the moral character, of the justice of God,—is but another proof of the mental aberration of him who adopts such a culpably defective species of argumentation. To talk of idiocy, of insanity, and every phase of moral and mental derangement as attributable to natural causes, to the exclusion of moral reasons, is to take, and unblushingly too, infidel ground; is a bare-faced denial of original sin, and is representing the God of nature and of revelation as not only two different beings, but as two conflicting divinities—two Gods at actual war.

But what has this line of remark to do with the question of capital punishment? Much every way. It directly affects the great question of human responsibility; it meets the popular but lax and immoral theory on which the non-responsibility of the insane is placed by the law, is pled by barristers, and is received as indisputable by the multitude, while it corrects the current phraseology of 'unfortunates' as employed in regard to those afflicted with this severe malady. This species of reasoning is designed, as we believe it is fitted, to overthrow all those pleas for irresponsibility in the breach of the divine law, which the Ayrshire Bard has

embodied even in his 'Prayer to God in Prospect of Death:'—

> 'Thou know'st that Thou hast formed me
> With passions wild and strong;
> And list'ning to their witching voice
> Has often led me wrong.'

That congenital idiocy, which in law phrase forms *dementia naturalis*, and is distinguished from mania, monomania, and dementia, termed *dementia accidentalis*, attaches to its subject involuntarily, is freely admitted; but so do many other mental and moral maladies which the law and mankind hold to infer responsibility. Children, and for many successive generations, have *congenitally* a predisposing bias to commit murder. But while this hereditary predisposition exists, as the calendar of public executions abundantly proves, the law of man has not made provision for the escape from the gibbet of its murderous operation. The position in society, the cast of the intellect, the character of the passions, which largely and influentially stamp the moral and intellectual character of the great majority of the human family, are congenital, are hereditary, are largely involuntary, and go far to account for the perpetration of crime; but in no system of medical, political, or moral ethics, have they been held to exempt from responsibility. And thus we may conclude as

to the reason of the silence of God, the original Lawgiver, and of Christ the appointed expounder of the law, and of His apostles as vested with official authority, in regard to no valid plea for the breach of the sixth precept of the moral law by the insane. The solution of the problem is clear and safe, upon admitting its moral term as the ruling term of the equation. The denial of responsibility because of moral depravity or moral insanity, is the denial of responsibility for any overt criminal violation of the law of God or man.

The great, the vastly important and practical inference from our remarks on the responsibility of the insane is, that as the cause of the insanity is moral, so the means alone adequate for its removal or mitigation must be moral also. And thus the volume of inspiration is refreshingly clear on the efficiency of these means, by the divine blessing, in bringing the insane to sit at the feet of Jesus, clothed and in their right mind. An instance of this, illustrative of the position we adopt, occurs in the evangelic record. When Christ had cured the *lunatic*, whose father had been deeply grieved, the disciples put the question, 'Why could not we cast him out? And Jesus said unto them, This kind can come forth *by nothing* but by prayer and fasting.'

We are quite alive to the contemptuous smile

with which all reasoning of this kind is met by the scientific sceptic, who, to cover his scepticism, insists on medical treatment and the lunatic asylum. So say we: let there be by all means an immediate application to medical advice, and the humane institution of the asylum. But the question is, Are these natural, and on merely natural grounds vastly important, means adequate to meet the moral malady? Let the intoxicated and violent be confined to the cell; but will such legal and medical means lay an arrest on the moral propensity to intemperance and violence? The strait-jacket is essential to prevent the perpetration of the crime; but is the strait-jacket adequate to effectually eradicate the murderous principle in the heart of the morally insane? No mere natural mean, and simply because it is natural, can show might and mastery on the moral region.

Without, in concluding these observations, exposing ourselves to the rude jeers of the political and scientific sceptic, we shall forbear hazarding suggestions as to the influence of Satan on the alarming prevalence of insanity in this educational age; and would barely mention as the great and certain panacea for all such disorders, 'the gospel of the grace of God, which teacheth to deny ungodliness and worldly lusts, and that we should live soberly, righteously,

and godly in this present world.' And it is not surely a stretch of expository propriety to read the inspired language of the prophet as bearing upon the moral and the intellectual reformation of our family by such moral and supernatural means: 'The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf, and the young lion, and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together: and the lion shall eat straw like the ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice' den. They shall not hurt nor destroy in all My holy mountain: for the earth shall be full of the knowledge of the Lord, as the waters cover the sea.'

CHAPTER IV.

SUICIDE.

'DO THYSELF NO HARM.'

In addressing ourselves to a consideration of this most dreadful and appalling species of a breach of the sixth precept of the moral law, we purpose disencumbering the question of the entangling element of insanity. The law of England, which treats of suicide as felony, has obviously taken the same view; especially as it treats those who have failed in the dreadful attempt as sane and responsible agents. The cases of this character which have come for public trial before English courts of law since 1843, and as recorded in 'Taylor's Medical Jurisprudence,' are equally interesting and instructive. From all the cases cited in that valuable production Mr Taylor says, 'One point is clear—the act of suicide is not treated by the law as a necessary proof of insanity.' In almost every case of suicide, or self-murder, there have been brought out in

evidence clear indications of motive and object, showing fallacious or delusive reasoning. Nor shall we entangle the consideration of the subject with the admitted hereditary predisposition to the perpetration of this fearfully atrocious crime. As illustrative of what we mean by a hereditary tendency to suicide, we may here cite an instance given by Mr Taylor. 'Many years since, one of the surgeons of the Middlesex Hospital was in the habit of going every morning to be shaved by a barber in the neighbourhood, who was known as a steady, industrious man. One morning some conversation arose about an attempt to commit suicide which had recently occurred, and the surgeon remarked that the man had not cut his throat in the right place. The barber then casually inquired where the cut should have been made, and the surgeon pointed to the situation of the carotid artery. A few minutes afterwards the surgeon was alarmed by hearing a noise at the back of the shop, and on rushing to the spot, found that the barber had cut his own throat with the razor with which he had been shaving him. The man speedily died.'

But as specially illustrative of a hereditary suicidal tendency, Dr Burrows relates an instance of its development throughout three generations. 'In the first case, the grandfather

hung himself. He left four sons: one hung himself, another cut his throat, and a third drowned himself in an extraordinary manner, after having been for some months insane. The fourth died a natural death, which, from his eccentricity and unequal mind, was scarcely to be expected. Two of these sons had large families: one child of the third son died insane, two others drowned themselves, another is now insane, and has made the most determined attempts on his life. Several of the progeny of this family, being the fourth generation, who are now arrived at puberty, bear strong marks of the same fatal propensity.'

There are some specialties which strikingly distinguish the turpitude of this phase of murder, and which we would, with all the solemn earnestness we can command, press on the attention of the proud, the passionate, the ambitious, the impulsive, and especially those placed in circumstances of severe temptation. That suicide is a crime of no ordinary character, the law of every nation makes abundantly obvious; and that it is a dreadful sin, every ordinarily intelligent reader of the volume of inspiration is fully apprised of, without formally combating the perverted reasoning of such writers as David Hume.

This crime and sin distinguishes man from

every other species of moral creatures. Although we naturally connect the superlative degree of rebellion against high Heaven with devils, yet they prefer their miserable existence to self-destruction. And they are accordingly represented as saying to the Son of God, 'Art Thou come hither to torment us before the time?' To this instinctive love of self-preservation does the Miltonic sentiment refer, which puts in the mouth of the prince of devils the exclamation, 'Better to reign in hell than serve in heaven.' And all speculation apart, clear it is that the perpetration of this foulest of crimes signalizes the moral depravity of man as above what even a devil has attempted, or is able to commit. The amiable author of 'The Grave,' in characterizing the foully crimsoned crime of self-murder, embodying the sentiment of its guilt as heavier than any deed satanic, says:—

> 'Unheard-of tortures
> Must be reserved for such; these herd together;
> The common damn'd shun their society,
> And look upon themselves as fiends less foul.'

And while this pre-eminently atrocious characteristic of this crime is fitted to lay an arrest on the very buddings of suicidal cogitations, this arrest would be all the stronger by adding, in the case of the sorely tempted, that the suicide most violently rebels against the first and

strongest instinct of his nature. Satan himself readily and formally announced this great and governing principle which is engrained in our common nature, and even the thought of eradicating which is a criminal rebellion of untellable, of inconceivable magnitude: 'Skin for skin: all that a man hath will he give for his life.' And although Job 'chose strangling rather than life,' and the Saracens sought death, but could not find it, and desired to die, but death fled from them; yet in these strongest of cases none of the parties proposed as a remedy self-destruction; while the temptation was short-lived, and is exhibited in the volume of revelation as a beacon to warn off from sunken and dangerous rocks those who are tempest tossed, and not comforted. The popular author of 'The Grave' has feelingly and tersely expressed this sentiment, which, when maturely considered, may aid in extracting from the dreadful act some weary of life:—

> 'Shall Nature, swerving from her earliest dictate,—
> Self-preservation,—fall by her own act?
> Forbid it, Heaven! Let not upon disgust,
> The shameless hand be foully crimson'd o'er
> With blood of its own lord.—Dreadful attempt!'

It is moreover a specialty of this fearfully dark crime, that he who has yielded to the temptation has voluntarily and deliberately thrown himself

beyond the pale of repentance. This weighty and tremendous consideration, we do kindly and confidently submit, ought to occupy a primary place in the dreadful calculations of every human being who is predisposed to melancholic broodings, and who is naturally prone to take the darkest views of his condition and circumstances. Whatever other sin he may commit, or crime he may perpetrate, furnishes, humanly speaking, space for repentance; but the suicide carries himself, and by his own act, into the presence of the Judge, where repentance is impossible with the culprit, and where prayer for him, by the Church and by his nearest relatives, is divinely and peremptorily forbidden. The die is cast for ever: the great gulf is eternally fixed: as the tree falls, so it shall lie. 'Whatsoever thy hand findeth to do, do it with thy might: for there is no work, nor device, nor knowledge, nor wisdom, in the grave, whither thou goest.' And this incalculably weighty and fearfully solemn consideration, becomes intensified from the fact, that the suicide's last tragical act introduces him into the presence of his just Judge, while the blood violently shed is still reeking:—

> 'Just reeking from self-slaughter, in a rage
> To rush into the presence of our Judge;
> As if we challenged Him to do His worst,
> And mattered not His wrath!'

Without, however, enlarging upon the specialty of the crime, the obscuration and overbearing of which indicate the perfection of moral depravity, and must call forth a desperate effort from even the impulsive, we would, in the cause of humanity, add another and a still more deterring specialty of this singularly unnatural crime. We here allude to the darkness that naturally gathers around the eternal state of the suicide, a darkness not readily dispelled by lax views of the general mercy of God, and not relieved to the full satisfaction of self-torturing reflections of surviving relatives by scriptural hints and instances. There is no solid consolation on this question to be derived from the case of Samson, who was a type of Christ, and, as a judge of Israel, *devoted* his life in defence of his sorely oppressed country. And the restraint imposed by God on Satan, who had been mysteriously permitted to tempt Job, may be read as the divine security that this crime shall not be perpetrated by the children of God: 'And the Lord said unto Satan, Behold, he is in thine hand; but save his life.' On the other hand, it is not easy to descry the clear bow of promise in the dark sky of the recorded scriptural instances of those who took this dreadful plunge into the eternal world. The instances of this kind with which every reader of the divine

Word is familiar, are those of Saul, the king of Israel, and noted rebel against Heaven, as well as intentional murderer of David and Jonathan; Ahithophel, a dark-hearted traitor to his lawful, generous, and confiding sovereign; and Judas, who betrayed his Lord and Master. These were suicides; and they form a dark enough group for scaring any of our family from an act that would associate their names with such outcasts from God and man. To this effect did David, who was left, by yielding to strong temptation, to commit murder, supplicate the Former of his body and the Father of his spirit: 'Gather not my soul with sinners, nor my life with bloody men.' Any of these specialties of this dreadful crime is sufficient to operate as a preventive of its commission, but all of them cumulatively are well fitted to arrest the remanent reflective or hesitating tendency to this darkest of sins and most sanguinary of crimes. And it becomes every individual to have his mind well seasoned with these or like principles, lest in the thick of the storm of temptation his ill-ballasted mind suffer shipwreck.

But it may serve a practical purpose in regard to this now almost epidemical crime, which used to be almost restricted to the gay and giddy Parisians, and the inhabitants of other capital cities of Europe, to calmly and briefly consider

the false reasoning of the ingenious but immoral David Hume. And in doing so, we are fully alive to the hazard we run in contributing to the untutored and sceptical mind, what we are most anxious they should never have known. But, persuaded as we are that this author's treatise is in far too many hands, that it is read by the masses, and that when the mind is calm it may resist its pleas in justification of self-murder, yet the impression produced is apt to rise up and aid the proud spirit in the season of trial to take the helm from reason, and dash the tossed bark on the dangerous reef of self-destruction. We apprehend that the wretched argumentation of Hume is telling its bloody tale in the alarming frequency with which this crime is a-perpetrating in our country. This heavy roll of suicides shows the first names for science, literature, and, we had almost said, for divinity in this country; while a godless romance is made to attach to the story of the suicidal lover. And all this fictitious glitter and glare has not been lost on the masses who are now in crowds competing for the infernal honours of self-murder!

Without addressing ourselves to a formal specification and refutation of the arguments of Hume, some of which are equally unworthy his intellect and the common morality of the human

family, we may more effectually compass our object by examining those which he assumes to be of a fundamental character, and the loosening of which more than endangers his aerial and imposing edifice.

Mr Hume's main argument then, in justification of self-murder, is, 'that man has a right to dispose of his own life.' This position is the key-stone of that arch he imagined he had reared, and by the removal of which the whole arch is reduced to ruins. And if we succeed in this work, which we do not think requires very close or strong reasoning, then his argumentative illustrations of his position must be altogether irrelevant.

In dealing with this assumption of the idolized philosopher—for mere assumption it is—we shall studiously avoid that speculation, that elaborated reasoning, which is quite foreign to and would defeat our specific object. And, at the very outset, we must enter our solemn protest against any reasoning of a professed libertine, of one who held the very laxest views of even natural religion, who ignored the cardinal doctrines of Christianity, and whose conduct was a gloried in infraction of the very first and conservative principles of common morality. Such a writer, and glorying in such a code of religion and morality, throws himself out of court, when such

a grave question as suicide is under judicial investigation. 'Do men gather grapes of thorns, or figs of thistles?' His morals, in point of principle and practice, throw more than a suspicion over even the logical soundness of any argument which he may propound and attempt to illustrate. The very name of Mr Hume is fitted to scare from any deed which his libertine pen has recommended.

Although Mr Hume, throughout his essay, has reiterated in varied phrase his main position, that 'man has a right to dispose of his own life,' yet he has not for once undertaken to adduce any proof of its soundness. This is extremely unphilosophic, is very suspicious, and betrays some consciousness that even the ingenious David Hume lacked mental ability to demonstrate what he merely assumes in his attempt to shake the creed of mankind—a creed all the more confirmed by the few, comparatively very few, wretched desperadoes who, like the unjust judge, have neither feared God nor regarded man. How explain the startling fact, that Mr Hume, in attempting to justify this most unnatural of deeds, has left his beaten track of appealing to the universal and steady voice of nature; inasmuch as recorded instances of suicide throughout the world, and in all generations, are as one to a million; and that suicides, in

the main, have been the most reckless and disreputable of mankind? This fact we would most earnestly press on the calm consideration, not only of those who are naturally proud and imperious, but of those sensational journalists who pander to the morbid passions of the unintellectual and immoral candidates for satanic honours. Such low, although popular and extremely selfish writers, incur a responsibility which, while it escapes the punishment of man, cannot possibly escape the righteous judgment of Him who declares, 'Thy brother's blood crieth to Me from the ground.'

But an additional preliminary to a formal consideration of Hume's proposition is, that it leaves every man to be the best and the sole judge of when and how he shall dispose of his own life. This is an equally unphilosophic, immoral, and seriously dangerous assumption. It ignores the doctrine and universally felt fact, that because of moral depravity, which has vitiated the mental powers and the moral constitution of man, he is not, and cannot possibly be, the infallible, the best judge of what makes most for his honour, his interest, and his pure pleasure. Mr Hume's own conduct, as brought out in his correspondence with the literary, whose advice he sought, and to whose judgment he oft deferred, in matters vastly inferior to the dis-

posal of his own life by the poisonous draught, the garter, the knife, or the revolver, is matter of fact refutation of his fancied invulnerable position, 'that every man has a right to dispose of his own life.' This reasoning well fits in with Hume's sensual ethics, his deplorably low system of carnal morality; while it reduces intellectual and accountable man to the level of the mere animal, made up of bestial instincts. We read in the word of life, what harmonizes with the dictates of sound reason, that 'none else is judge but God;' that as He is the Former of our bodies and the Author of our spirits, so He has given us a sense of our dependence on Him, and His indefeasible right of property in us; and that, instead of constituting us sole judges of what is best, He has prescribed those duties which, when honestly and cheerfully discharged, infallibly secure our interest, honour, and felicity. To those who acknowledge the high and honourable duty of subjecting their intellect and conscience to the clearest teachings of God in the volume of revelation, we willingly address ourselves; while we are constrained, from a respect to their best interests, to extend our pity and warning voice to those who think it is glorious to disfigure their own bodies, and effectuate the eternal ruin of their immortal souls, by spouting the irrational maxims, and aping the disgusting

morality of literary libertines and practised debauchees. But that man is the best and sole judge of when and in what manner he may take away his own life, is taking a position lower than deism; it places him in the very lowest area of the lowest atheism; and that, too, notwithstanding the prating of Mr Hume about our Creator. And is Mr Hume's main position not negatived by numerous instances in the history of attempted but mercifully abortive suicides, whose designedly fatal wounds have been dressed and cured, and the poor victim has been spared to confess his sin, and to give a trumpet-warning voice, from the frontiers of the eternal world, to the victims of pride and popular infatuation? The author is privileged to be on terms of intimacy with one of this class, who, in the metropolis of North Britain, the city of David Hume, has for twenty years honoured the office of eldership by discharging its practical duties, to the comfort of many thousands of the afflicted and severely tempted.

But this dogma, now so largely acted out, runs directly in the face of that salutarily instinctive principle of self-preservation which lies deepest in the rational and mere animal world. It is not requisite that we be profound naturalists in order to reach the universally patent fact, that every animal, whether the beast

of the earth, the fowl of heaven, or the fish of the sea, is furnished with the means of its own preservation. And while this is the most interesting chapter in natural history, especially as intelligibly illustrative of the wisdom and benevolence of the Almighty Creator, would not the lack of such a principle for man argue a most unaccountable and libellous anomaly in the moral creation of God? He who would attempt to resist this plainest of reasoning, or evade its application to the existence and healthy operations of his self-preserving instinct, must have laboured hard and long in mesmerizing what is common to him with the brutal creation. And to such an individual, who has succeeded in effecting his mental and moral obliquation, we would repeat the language of him who was a murderer from the beginning: 'Skin for skin: all that a man hath will he give for his life.'

But this would-be philosophic reasoner on religion and morals, and yet dissolute liver, has, by confidently affirming 'that every man has a right to dispose of his own life,' laid the axe to the root of society; has represented every man as an isolated being, as born for himself, as having no relational character, and no relative rights, duties, and pleasures. He hazards, by his reckless assertion, every claim to patriotism,

to home, and to the firm and sweet bands that unite man to God and to his fellow. And such an extremely selfish, unlovable character is, in the language of the poet, indignantly addressed as a scandal to his kind, and a disgrace to his country:—

> 'Breathes there the man, with soul so dead,
> Who never to himself hath said,
> "This is my own, my native land!"
> Whose heart hath ne'er within him burned,
> As home his footsteps he hath turned
> From wandering on a foreign strand!'

But elements darker still belong to the suicidal creed of Hume, from which are banished all such endearing and sustaining terms as country, home, parent, wife, and child. Has not the suicide deprived his country of the benefit of his talents, his industry, his moral example, and his defence of her against every invading foe, to which she had a righteous claim? And has not his darkest crime sullied her legislative, moral, and religious character? Has he not violently and recklessly broken his marriage vow, by which his wife had a most tender and solemn claim on his love and protection? Has he not, by his Heaven-daring act, left her the singularly sinking heritage of ever-brooding and desolate widowhood? And has he not written with his bloody fingers disgrace

on the foreheads of his unoffending children, whom nature taught him to support, to educate, and to defend? What a violent breaking up of the fountains of the great deep of natural instinct and affection, which inundate all that is fair, and lovely, and of good report in this lower world! Has he not presented to all those whom he was bound to love, honour, and defend, an example which, if followed, would put an end to the whole human family? for if the right which Mr Hume concedes to the suicide be just, it cannot be restricted to him, but must belong to every individual of our race.

Anticipating the fatal objection to his assumed right to perpetrate suicide, to which we have now adverted, Mr Hume, with characteristic caution, affirms that no man will make use of that right unless in circumstances of extreme affliction and perplexity. 'Most people,' he says, 'who lie under any temptation to abandon existence, are in some such situation; that is, in age, or under infirmities; incapable of promoting the interest of society; a burden to it; or afflicted in some manner or other.'

Now the case thus supposed, we admit, is, in regard to the suicide, painfully true; his false reasoning leads to the dark conclusion, that he is disgraced, cannot recover lost character, and is a burden to himself and those who have a

claim upon him. He reasons that the extrication from the temporary hell into which he has plunged himself and natural dependants, is best effected by laying violent hands upon himself, by empurpling his hands in his own blood! To suppose a rational man capable of perpetrating this most unnatural crime in other and happier circumstances is not conceivable; and to certify and demonstrate the truth of it, required not the parade of description which Mr Hume has spent upon it. Now, we flatter ourselves as having already obviated this pompous mode of setting the case before the reader of Hume's essay. But for the sake of any who may be in such a deplorable case, and may be left to follow out the suicidal impulse which such a false representation is designed to impose on its deeply interesting subject, we shall briefly expose the infernal fallacy of this murderous species of reasoning.

On the case supposed as one of extreme affliction, we would, in unfeigned sympathy for all such, entreat them to calmly revolve in their minds and consciences, ere the strength of the blast overtake them, the following observations:—

I. Mr Hume's supposed case of such affliction, as he has described, accounts for the

perpetration of suicide; but it does not furnish a plea, or the semblance of a plea, in justification of the crime. Who denies, or wishes to deny, that suicides have made their affliction the reason for committing the fearful crime? But the question is not, Was the affliction their reason? but, Was such a reason a right reason, was it a reason that justified the act? And we can with greatest difficulty bring ourselves to believe that Mr Hume did not see the capital flaw in his wretchedly stated proposition. In this gravest of questions, it was worse than unworthy the intellect of Hume, but in perfect accord with the pride of his infidelity, to steal a march on the common reason and first conservative instincts of a poor tempest-tossed brother. To plead with such that it was duty to destroy himself is not reasoning, but wickedly assuming; is extremest cruelty; and is not free of the dreadful guilt of the suicide.

II. The assumed position of the extreme affliction cuts the very nerves of the essayist's suicidal theory. It does most obviously assume, that unless the subject of the affliction were in extremity, unless he were lashed by a hurricane, he would cling to the bark until she became a wreck, against his prayers and most strenuous efforts to keep her afloat, or commit himself to his

hastily fitted up raft. And thus it is assumed by the infidel reasoner, in confirmation of an imaginary right which every man has to take away his own life, that the individual be subjected to fearful affliction, that he be in the very thickest of a tempest that tries to the uttermost his body, his reason, and his instincts. He thus puts man and his proposition to the torture, and wrings from the former a verdict in favour of the latter. He renders his argumentation an assault upon man's common understanding, and labours to silence and pervert the healthy voice and operations of self-preserving instinct, while his supposed and desperate case repudiates his proud assumption as malignant and unnatural.

III. This case of extreme affliction which, it is argued, warrants man to exercise his right of self-murder, still assumes that man has that right, and that he is the best and sole judge of when and how he shall use it. Although we have already exposed this assumed right, and shown that man is neither the best nor the sole judge, nor any judge at all, in the case supposed, yet the solemn gravity of the question demands that we deliver the duty of submission to the will of God in every case of affliction from all those irrational and cowardly subterfuges to which our rebellious and proud passions would

resort. As affliction, then, is for reformation, how can the sin and crime of suicide, which leaves no space for repentance, be followed by reformation? If reformation be the divine design by the affliction, how can self-murder be the use of a divine right? In other words, how could God grant a right to frustrate His own merciful intention? But how does the afflicted know of a certainty that there is no honourable extrication from his extremity? Have not countless thousands similarly circumstanced experienced a deliverance to society, the Church, and their families, by patiently waiting on Him who says, 'I kill, and I make alive; I wound, and I heal'? And have not the delivered praised the Deliverer, and encouraged those still in the storm to hold out in 'the patience and faith of the saints'? 'Come, and let us return unto the Lord: for He hath torn, and He will heal us; He hath smitten, and He will bind us up. After two days will He revive us: in the third day He will raise us up, and we shall live in His sight.' And may we not with confidence appeal to sound ordinary reason, whether the plain, reiterated, and merciful injunctions of God, and the joyfully expressed experience of the wisest and best of our race in every age and in every country, are not to weigh down the light and unnatural maxims of a few writers of a libertine cast of mind, and

of laxest morality? 'We speak unto wise men: judge ye what we say.'

But is the assumed right of every man to dispose of his own life well exercised when the afflicted undertakes to give judgment that affliction exacts no duties, and that resignation to the will of God makes the afflicted a burden to society and to himself? We have demonstrated that the suicide is a burdensome example to society, and entails untellable misery on his relatives and friends, leaving those who were most deeply interested in the fearful agonies of suspense in regard to his eternal state. If the feeling that he is a burden to himself creeps over the mind in its temporary morbid state, is he not to labour to resist it rather than to succumb under it? Is it not an eminent duty in him to point out to relatives and attendants that he is in the exact position, and in the very circumstances, in which the infinitely wise and merciful God would have him to be? Is not such a living and practical sermon fitted to reconcile him to his lot, and of immense value to all who see him, and are related to him? Mr Hume's advice to such an one is declared by Job's wife: 'Then said his wife unto Job, Dost thou still retain *thine integrity?* Curse God, and die.' Job's resolution, on the other hand, accords with wisdom and piety, was approved by God, and is exhi-

bited as an example to be followed by all in the extremity of affliction: 'All the days of my appointed time *will I wait*, till my change come.' Very few are of so limited experience as not to have known cases of affliction similar to what Mr Hume has depicted, and the subjects of which have been visited with the morbid feeling that they were of no use to society, to relatives, or to any in this world. But it has been proved, that while alive, and confined by affliction, they kept together, and in harmony, the members of the family, who, when the handful of bones were committed to sepulchral dust, were far scattered, and only allied to each other by the convictions of remorse in despising the piety and patience of the long-afflicted, but now dead parent. And who can forbid that these convictions should ripen into serious thoughtfulness; and, with answers to the prayers that arose from the sick chamber, yet issue in a conversion that will bring parent and children to an eternal embrace in the world to come? 'And I heard a voice from heaven saying unto me, Write, Blessed are the dead which die in the Lord from henceforth: Yea, saith the Spirit, that they may rest from their labours; and their works (their children) do follow them.' And we cannot doubt that the undrugged, natural conscience, and the calm exercise of natural reason,

together with the plainest and frequently repeated dictates of revelation, will respond to our conclusion on this phase of the question, in preference to the libertine lucubrations of a few bold, selfish, and dissolute theorists.

And we are persuaded that every calm thinker will subscribe to the accuracy of the accusation which we advisedly prefer against the suicide, that the desertion of the duty assigned him by his divine Commander, on the plea of alleged or real difficulties, is most unmanly, is highly disreputable, is basest cowardice, and punishable treachery. Such conduct in the social world would dissolve every existing friendship, and the large majority of existing marriages; and would, in the army and navy, be visited with marked reproach and severe punishment. The pleasing and honourable duty of clinging to our post until relieved by God Himself, leaves the suicide fairly chargeable with meanest cowardice.

> 'Those only are the brave who keep their ground,
> And keep it to the last. To run away
> Is but a coward's trick; to run away
> From this world's ills, that at the very worst
> Will soon blow o'er, thinking to mend ourselves
> By boldly venturing on a world unknown,
> And plunging headlong in the dark,—'tis mad!
> No frenzy half so desperate as this.'

We might add, that Mr Hume's theory, on

which we are animadverting in a merely suggestive manner, is contradicted by the facts of criminal statistics. For whereas he pleads for the use of this daringly assumed right of perpetrating suicide by 'the aged, and those under infirmities, and who conclude that they are a burden to themselves and to society;' the authenticated annals of suicide show a very different fact indeed. The *Athenæum* of the present year, in an article on the Morgue of Paris, the charnel-house of the continental *salon*, shows the startling facts, 'that self-destruction commences between ten and fifteen years of age; that it is at its maximum between thirty and forty; that it dwindles to almost nothing after seventy; and that the suicides between ten and fifteen are *three times* more numerous than those committed after seventy years of age.' And thus the hard-hearted philosophy that would charge man's self-destruction on the honourable boon of old age, and on the divine and salutary discipline of tolerable affliction, is demonstrated by criminal statistics to be not only unsound and fiendish, but to be a large, a gigantic falsehood. And thus even figures show that this darkest of crimes is committed not through old age and its accompanying infirmities, which are potent preventives; but by the indulgence of those passions of pride, intemperance, and sensualism, which are

the essential elements of this sceptic's diabolical creed. We are warranted by this statistical argument to charge all such philosophical cant as Hume's with the dreadful guilt of Satan's special policy, in first inciting to rebel against morality, and then, with perverse pleading, to recommend deliverance from its natural punishment by the guiltiest of all crimes—self-destruction.

Might we, in conclusion, earnestly entreat the proud and ambitious youth to give fair play to the pleadings of his natural conscience in regard to this unnatural and fearfully prevalent sin and crime, by which we are competing with France; especially to labour to have his mind indoctrinated, and his soul thoroughly imbued, with the solemn and divine teachings of the volume of revelation; and to vow, in the strength of promised grace, to close the ear against the syren strains of bewitching pleasures, and the fatally popular scepticism on the inspiration of Scripture. But in spite of the now would-be philosophical, yet withal low and tremendously damaging criticisms on the doctrine of plenary inspiration, it is impossible to break down the responses of the natural conscience to the clear-toned dictates of revelation on the eternally important question of suicide, one tower at least being left scathless from the hottest fire of the

literary and ecclesiastical battery of the age. And from this tower the natural conscience may distinctly hear, above the storm of temptation, the minute-gun of solemn warning—'Do thyself no harm.'

CHAPTER V.

INFANTICIDE.

'AND HAVE FILLED THIS PLACE WITH THE BLOOD OF INNOCENTS.'

In taking our leave of the dreadful region of suicide, we necessarily, although reluctantly, enter upon the more putrid and loathsome region of Fœticide and Infanticide. These two sins and crimes, now so alarmingly prevalent, and so largely sympathized with by a numerous class of sensationalists, although distinct, are so closely allied as to admit of being considered under the one designation of Infanticide. We are, in addressing ourselves to this species of murder, fully alive to the claims of modesty, and also to the hazard we run of initiating some in the mysteries of crime, which it is our object to prevent. But we are driven, from the increasing demand for sensational tales, the very spicery of which consists in artfully working up the reader's expectation of this as the attractive

climax, to make an exposure of what the Apostle of the Gentiles says, 'is such as should not once be named, even among the heathen.' Our apology for even hinting at so polluting a subject is expressed by the Christian poet in the following lines:—

> 'Oh that a verse had pow'r, and could command,
> Far, far away, these flesh-flies of the land,
> Who fasten without mercy on the fair,
> And suck, and leave a craving maggot there.
> Howe'er disguis'd th' inflammatory tale,
> And cover'd with a fine-spun specious veil,
> Such writers and such readers owe the gust
> And relish of their pleasure *all to lust*.'

That criminal abortion or fœticide, by mechanical means and medicinal irritants, is very largely and most painfully prevalent, is freely acknowledged by those who, from their profession, have the best means of knowing. Taylor, in his 'Manual of Medical Jurisprudence,' says: 'It cannot be doubted that this crime is *very frequent*. Applications are *continually* made to druggists by the lower classes for drugs for this purpose. The applicants appear to have *no idea* of the criminality of the act.' But how deplorable soever this obviously reluctant confession of Mr Taylor is, it is clear from his long and elaborate treatise on this subject, that the applications are not confined to druggists, and the applicants are not all of 'the lower classes.'

And is not, as Mr Taylor's Manual demonstrates, a very particular and critical knowledge of this subject an essential part of the medical profession, and a part acquiring every day a very special prominency? Is it not a notorious fact that there is in London a medical society, which has within a few years changed its more formidable mode of advertising, and commands very high medical talent, for the express purpose of giving advice in cases of abortion? And, *ex natura rei*, the machinery of such a society being secret, deprives the community of anything like statistical information; while such females are taught to operate themselves, and to communicate the success of their operations to companions in licentiousness and in crime; and the amount of which nefarious and murderous trade must exceed calculation. In confirmation of the dreadful truth of this intrinsically rotten state of a large portion of British society, we dare not reveal the information gathered from the free but confidential confessions of not a few of the very first names in the medical profession, and whose strenuous and moral efforts to stem the polluted and polluting tide, signally redound to their honour.

We are not unaware of the too common and subtilized dogma which has been readily adopted, and murderously acted upon, by 'the lower classes,'

that abortion in its criminal aspect is simply the expulsion of matter without a soul. And without formally debating this extremely hazardous, if not immoral, speculation, the repetition of which from the professorial chair to young students we protest against, it is sufficient to state, that the Author of our being designed the matter as the receptacle of an immortal soul; and that if the union of the two is not severed, it most unquestionably is prevented by violent abortion. And we can with difficulty believe that a sound moral intellect will try to chop logic on any essential moral difference betwixt the two phases of the one question. Unless we are prepared to ignore and repudiate the authoritative voice of revelation, we must admit that the preparation of the matter in question, how shapeless soever in its earlier stages, is divine, and that every intelligent believer will feel his obligation to make its preservation and completion in the womb special matter of a song to his God. 'I will praise Thee; for I am fearfully and wonderfully made: marvellous are Thy works; and that my soul knoweth right well. My substance was not hid from Thee, when I was made in secret, and curiously wrought in the lowest parts of the earth. Thine eyes did see my substance, yet being imperfect; and in Thy book all my members were written, which in continuance were

fashioned, when as yet there was none of them. How precious also are Thy thoughts unto me, O God! how great is the sum of them!'

But besides this positive scriptural refutation of the dogma on which we are animadverting, is it so easy a matter to tell at what precise time God breathes into our nostrils the breath of life, when we become living souls? 'Are not both the manner of the growth of the substance of the child, and the time of its animation by the soul, known only to God, the Former of both?' 'As thou knowest not what is the way of the spirit, nor how the bones do grow in the womb of her that is with child; even so thou knowest not the works of God, who maketh all.' And does not the fact, as clearly brought out in evidence in court when such cases are tried, show that scarcely one case of alleged criminal abortion has taken place within the general period of pregnancy? thereby furnishing clearest proof of murderous intention. In the light of this well-ascertained judicial fact, we reach the painful conclusion, that the dogma adverted to is working havoc upon female morality, and that although in one sense, and that physically, it is sound, yet in the moral and true sense, as affecting the question of violent abortion, it is false, and its circulation is slaying its tens of thousands.

Among the causes that have contributed to

the late increase of this crime, we hesitate not to give a very high place to the culpably lenient law of England, and perhaps we should give a still higher place to its culpably lenient administration. In the Statute 1 Vict. cap. 85, sec. 6, we read: 'Whosoever with intent to procure the miscarriage of any woman shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.'

Now, on this Statute, which declares the law of England relative to criminal abortion, we cannot refrain from making the following remarks. Under this Statute it is not clear that the woman herself can be charged with, and consequently punished for, this crime; for its object is to convict and punish her advisers and accomplices. This Statute indicates the serious and startling pitch which this crime has reached, as well as the numerous and various means and instruments used in perpetrating it; and that it comes in the place

of the former law, which punished the convicted with death.

The inference from the fact that the present law is formally 'the abolition of capital punishment,' and that hand in hand with its operation we have the freely admitted increase of fœticide, is, that the theory of the modern abolitionist has been fairly tried, but has signally failed—has 'been weighed in the balance, but has been found wanting.' And is not this charge, which we confidently prefer against the now popular theory of abolition, rendered transparent by our challenge to him to produce a single instance of a conviction of criminal abortion, for which this mischievously lenient law was fairly administered. All the poetic pastorals of the abolitionist's refined sensationalism have evaporated under the strong heat of indisputable fact. And without dipping deeper into this bottomless pit of filth and murder, we shall now proceed to our animadversions on INFANTICIDE.

By infanticide is meant the murder of a newborn child. 'The English law,' says Taylor, 'does not regard child-murder as a specific crime.' And some high medical authorities have vented, in their productions on medical jurisprudence, many most unguarded and extremely dangerous opinions on this very grave question. Mr Chitty says, that 'the object of the law is to

prevent injuries to infants *having capacity* to maintain a separate existence;' and Mr Taylor, who says that 'Chitty further suggests that such a capacity should be proved in order to complete the offence of infanticide,' very properly remarks, that 'this argument carried to its full extent, would render it no offence to put to death all persons afflicted with any mortal disease.'

The dangerously stretchable phrase, especially in the hands of an ingenious and aspiring barrister, 'capacity to maintain a separate existence,' would warrant murder on a wholesale scale. And, accordingly, some medical celebrities have contended that the child must have reached a certain age at the birth, ere infanticide can be held to be a crime. A case of this kind occurred in October 1836, in which 'a coroner refused to hold an inquest on the body of a child, because it had not reached an age (seven months) at which children are commonly born alive!' On this judgment Mr Taylor says: '1, We must consider the great difficulty of determining the exact age of a child from the characters found on its body; and 2, That *many* children born *under* the seventh month have not only been born alive, but have lived to adult age, and the acting on a principle of this kind would be likely to give rise to dangerous abuses.' And this medical and most preposterous as well as murderous dogma, is strongly

defended by no less an authority than Dr Beck, in his 'Medical Jurisprudence,' p. 245: 'If it can be proved that the child, which is the subject of investigation, has not attained this age (the seventh month), no charge of infanticide *can or ought* to be entertained.' Mr Taylor thus remarks on the above: 'On the doctrine above laid down, the deliberate destruction of such children, although actually living, ought not to be considered or treated as murder!'

We furnish the reader with the above as popular specimens of the laxest morality, not only entertained, but also published by the very first names in the medical profession, morality readily adopted by students of immature intellect and strong passions, and whose evidence in courts of law on questions of this character has so strong an influence on empannelled juries. And as such opinions are brought out in court, and circulated in our penny newspapers throughout the length and breadth of the land, are we to be surprised that the cases of this enormous crime are so startlingly frequent, that the convicted culprits are so leniently dealt with, and that so many and lowest pleas are used at the bar for changing the designation of the crime from murder into homicide, and for enlisting the feelings of juries at the expense of their judgment?

Instances of recent date, within the present year, in painful illustration of the above low state of British morality on this horrid impiety, and most demoralizing and cruel of all the varieties of murder, are not awanting.

One of these, known in Scotland as 'The Argyle Square child-murder,' occurred only a few months ago, and is thus reported by one of the Edinburgh leading newspapers: 'The High Court of Justiciary sat yesterday—the Lord Justice-Clerk, Lord Cowan, and Lord Jerviswoode, on the bench. Elizabeth Walker was charged with murdering her infant female child in the house of Professor Archer, Argyle Square, by strangling it with two pieces of flannel, which she fastened round its throat, shortly after its birth, on the 21st or 22d of January 1864. The Solicitor-General and Mr Gifford appeared for the Crown, and Mr William M'Laren for the prisoner. The prisoner pleaded guilty to culpable homicide. The Solicitor-General said, that after some consideration he had felt himself justified in accepting of this plea of culpable homicide. It appeared from the indictment that it was a child that was killed, and that the offence was committed immediately upon its birth; and considering that the act *might be* attributable to *excitement*, he had not felt inclined to insist on the severer name of murder being

given to the offence.' Without severely commenting on this very extraordinary and strangely qualified opinion of the prosecutor for the Crown for *not ingeniously* evading the object of the law, we confidently submit that this expressed opinion of the Solicitor-General would render the commission of child-murder an impossibility. What female in giving birth to a first child may not verily plead excitement? and if this plea is to be held valid for strangling or cutting the throat of the helpless babe, infanticide is a myth, and any law in regard to it may not only be easily evaded, but indicates lack of both intellect and heart.

But instances of a still lower character, and of this same year's date, stand on record to show that females charged with this crime, have been acquitted on the verdict of juries because the murderess was held to be interesting, and the sentence of acquittal has been so rapturously applauded by the audience that the bench was compelled to call for clearing the court. A very recent case of this character occurred in the English court, in which a young female in the establishment of a bishop of the West of England, the murdered body of whose child was discovered among the ashes which she was to throw out, was *acquitted.*

Without attempting to embellish our pages with instances indicative of a spurious charity

for murderers of this class, and without quarrelling with the salutary safeguards of female innocence that is imperilled by empirical and ignorant practitioners; yet we do solemnly protest against the dangerous leniency of the law relative to infanticide, and the culpable aversion of juries to deal honestly with so hardened culprits, especially by giving way to mere emotions, whereby this very serious crime is enlisting popular sympathy, and encouraging the almost certain hope of escape. Mr Taylor furnishes, on the question of ingenious means of evading convictions, some judicious remarks and painful information. He says: 'The frequent acquittals on these charges most probably depend on the fact, that there are many extenuating circumstances in the prisoner's favour. She may be young, unfortunate, friendless, and perhaps tempted by a seducer, or by utter destitution, to the perpetration of the crime.' But we concur in the characteristic opinion of 'Dr Christison, who, in commenting on the *frequent acquittals* on the capital charge, and convictions only on a minor offence, which cannot always be proved, attributes it to a feeling sometimes entertained in the present day, that the killing of a new-born child, when perpetrated under the impulse of injured honour and the fear of disgrace, should not be classed with the other

varieties of murder.' Of this opinion of Dr Christison, the result no doubt of calm reflection and of large experience, Mr Taylor says: 'There can, I think, be no doubt that this is the true explanation.'

Keeping steadily in eye, then, the very lax views entertained by an increasingly large proportion of the British community on the turpitude and deep criminality of child-murder, we have it now as our object to contribute to its mitigation, if not its less frequent and appalling commission, by looking at it in the clear light of the moral law. And we cannot think so meanly of the national intellect and conscience as to conclude that they will thoroughly ignore, or formally repudiate, this perfect code of morals: 'To the law and to the testimony: if they speak not according to this word, it is because there is no light in them.' We would entreat, in accordance with the requirements of a question so solemn, a question of life and death, and the proper solution of which touches eternal interests, a candid consideration of the following remarks.

I. Child-murder, and especially when committed by the mother, is horribly unnatural. The proofs of this proposition are so numerous and various, that the guilty mother herself will not hesitate to condemn the aggravated, san-

guinary deed, when looked at apart from the dreadfully over-riding pleas of disgraceful exposure. We would vastly prefer an appeal to her own maternal conscience, to the non-natural pleas of would-be clever barristers, and unintellectual prejudices of modern and unnaturally liberalized juries. And we may here state, by way of instructive suggestion, that such juries will not find it easy to specify a single case of conviction for child-murder having been visited with the declared penalty of the present criminal lenient law. It is the first recorded case of judicial investigation of Solomon, the wise son of David and eminent type of Christ, on which account it is equally designed and fitted to command attention, how, by an appeal to natural feelings, to discover the true mother. And as this case is of immense interest, and of vast practical value, attention to its specialties satisfactorily disposes of the low pleadings now so much in vogue. The two mothers who appealed for judgment were 'harlots,' and consequently belonged to that class of females who have lost caste, who have least of the healthy exercise of natural affection, and who have been most addicted to the perpetration of this crime. All the characteristics of the case are strongly in favour of the modern sensationalists, who are eloquent in behalf of unfortunate and interesting females

who empurple their fingers in the blood of their own babes to hide their dishonour. One special feature for completing the melo-dramatic luxury of the modern sensationalist is awanting—none of the two harlot mothers was guilty of the crime of infanticide. On the other hand, both mothers entreatingly pled for the honours of motherhood, and feelingly insisted on having the living child. His majesty not undertaking, with all his wisdom, to legally argue the difference betwixt the ardent claims, appealed to the natural feelings, the maternal instincts of the claimants. 'Then said the king, The one saith, This is my son that liveth, and thy son is dead: and the other saith, Nay; but thy son is the dead, and my son is the living. And the king said, Bring me a sword. And they brought a sword before the king. And the king said, Divide the living child in two, and give half to the one and half to the other. Then spake the woman whose the living child was unto the king (for her bowels yearned upon her son), and she said, O my lord, give her the living child, and in no wise slay it: but the other said, Let it be neither mine nor thine, but divide it. Then the king answered and said, Give her the living child, and in no wise slay it: she is the mother.' This recorded case will stand, while the world will stand, as a specimen of righteous,

wise, and natural adjudication by an appeal to maternal instincts against the more than equivocal popular breath of British legislators and British juries.

To the same purpose have we the divine question, indicating that infanticide by the mother is such a violent rebellion against the first and most potent instincts of a mother's heart, that its existence is monstrous, and scarcely to be expected: 'Can a woman forget her sucking child, that she should not have compassion on the son of her womb? Yea, they *may* forget (barely possible), yet will I not forget thee.'

This crime is signally unnatural, inasmuch as every honourable female cherishes the fond hope of sustaining the deeply interesting character, discharging the sweetly affectionate duties, and receiving the elevating and consoling rewards of maternity. And the reproach of barrenness was confined, not to the Hebrew females, but belongs to those of every age and of every nation. And, in spite of excitement attendant upon, and subsequent to, the birth of the child, which, according to the unnatural theory of the Solicitor-General of Scotland, converts child-murder into homicide, who would not prefer the inspired account of the endurance of the travail in prospect of the honouring and sweet enjoyment of the result? The declaration is Christ's own:

'A woman when she is in travail hath sorrow, because her hour is come: but as soon as she is delivered of the child, she remembereth no more the anguish, for joy that a man is born into the world.' Has not the same high and indisputable authority as feelingly and truly described the felt desolation of the maternal heart on the natural death of her child, especially her first-born? 'And they shall look upon Me whom they have pierced, and they shall mourn for Him, as one mourneth for his only son, and shall be in bitterness for Him, as one that is in bitterness for his first-born.' In close and obvious connection with this, have we a striking commentary on the old proverb, 'Nature abhors a vacuum,' in the empty arms and full breasts of a bereaved mother. And, without resorting to other and familiar illustrations of the peculiar strength of maternal instinct for the preservation of her child, we would conclude our remarks on the unnatural character of this crime by the ardent desire of the childless for the adoption of the children of others, a law for which found a prominent place in the code of heathen nations.

II. Infanticide is a crime of exquisite cruelty. Although this aggravated characteristic of the crime is an obvious inference from its unnatural perpetration, yet, as a deterrent, we may be

allowed briefly to dwell upon this eminently heartless feature of child-murder. The child is called, in the language of inspiration, 'an innocent,' which, we need not inform the intelligent, respects actual transgression, of which it could not possibly be guilty. In reading His indictment against Judah for infanticide, the Lord thus designates its leading count: 'Also in thy skirts is found the blood of the poor innocents: I have not found it by secret search, but upon all these.' And their national desolation because of this crime, is declared in the same strong phraseology: 'Because they have forsaken Me, and have estranged this place, and have burnt incense in it unto other gods, whom neither they nor their fathers have known, nor the kings of Judah, and have filled this place with the blood of innocents; therefore, behold, the days come, saith the Lord, that this place shall no more be called Tophet, nor The valley of the son of Hinnom, but *The valley of slaughter.*' As the strength of this count of the divine indictment and its clearly retaliative character are made to rest upon the innocence of the poor victim; so mothers in these eminently licentious times would do well to have settled convictions of the cruelty of the crime as its specially damnatory element.

Whatever the amount of the guilt of the

mother and her wretched seducer, the issue of their criminal connection, the poor babe, is innocent; and whatever the degradation of character the seducer and the seduced have brought upon themselves, and have inscribed on the forehead of the babe, what share had it in the case? And whereas they have seriously wronged themselves, and disgraced the unoffending child, how extremely cruel that the only innocent one of the parties should be immolated by the guilty! And is the guiltiest of all, the natural protectress of the babe, who has converted herself into its murderess, to be held up as an interesting object, to be called, in the slang of a sentimentalizing multitude, 'an unfortunate,' and whose acquittal on the plea of her good looks is hailed with loud applause?

But the perpetration of this crime brings out the very perfection of cruelty, inasmuch as the new-born babe opes its little pleading eyes for warmest love and sacred defence on her who has resolved, with a heart flintier than ever beat in the brutal creation, violently to quench them in its own innocent blood! She nerves herself to set at defiance its first and weak cries for maternal mercy, and with sanguinary effort spurns away with knife, or garter, or blazing fire, its engaging struggles to nestle in her hyena bosom! Lives there a female, a young mother,

whose natural affection and commonest instincts are not dead, who would refuse to join in the formal condemnation of this most unnatural and most exquisitely cruel of all conceivable murders?

Nor can it have escaped the ordinary reflecting mind, that the perpetration of this crime is one of very aggravated cruelty, because of the combined unconsciousness and utter helplessness of the poor and interesting little stranger. Uncorrupted universal instinct practically acknowledges the sacredness of the plea of helplessness, a clearer and more interesting instance or specimen of which cannot be conceived of than a new-born infant. Why should not the mother, when she feels that her honour is lost, direct her murderous energies against her guilty seducer, who would show resistance in self-defence, rather than the poor innocent and unresisting fruit of her illicit connection with her ruffian paramour? Her perpetration of the crime is a special combination of cowardice and cruelty, and furnishes a deplorably true exposition of the inspired phraseology—'without natural affection.'

Although it does require an effort to dwell on this heart-sickening topic, yet we would entreat females of a certain class, and especially their hardened seducers, to reflect on the striking fact, that murderers of babes have in every age been a distinct and universally acknowledged class of

human monsters. Need we refer to the crowning sanguinary act of the proud Egyptian monarch, who, for political reasons, thundered forth his command that every new-born male Hebrew should be cast into the Nile? 'And Pharaoh charged all his people, saying, Every son that is born ye shall cast into the river, and every daughter ye shall save alive.' And the signal condemnation of this crime was divinely marked by the declaration and sure operation of retributive justice: 'And it came to pass, that at midnight the Lord smote all the first-born in the land of Egypt, from the first-born of Pharaoh that sat on his throne, unto the first-born of the captive that was in the dungeon, and all the first-born of cattle.' Never had Israel degenerated so deeply, and never were they addressed so strongly by God, as when they, for religious purposes, sacrificed their children: 'They sacrificed their sons and their daughters unto devils, and shed innocent blood, even the blood of their sons and of their daughters, whom they sacrificed unto the idols of Canaan; and the land was polluted with blood. Thus were they defiled with their own works, and went a whoring after their own inventions. Therefore was the wrath of the Lord kindled against His people, insomuch that He abhorred His own inheritance.' Nor must we omit from this blackest of catalogues the name

of Herod, who wrung from Hebrew mothers the rending cry of 'lamentation and great mourning, Rachel weeping for her children, and would not be comforted, because they were not.' All these cases set the actors on a pinnacle of infernal notoriety, disgrace the primary instincts of remanent human nature, especially in woman, and throw a fictitious glory over the bloody orgies of bloodiest heathenism. And yet, in the practice of these dreadful rites, these monsters had a plea of state policy and false religion which British infanticides cannot urge!

On the other hand, and by instructive contrast, both sacred and profane history abounds with instances of attachment to children, and efforts for their preservation, which have been signally approved by God, and have received universal applause. There are few who are not familiar with such instances as properly illuminating the pages of the history of sieges, of the battle-field, and other fearful crises. But without selecting a single instance from this large and deeply interesting field, we would point to the approbation of Heaven of the conduct of the midwives who used a sanctified ingenuity in preserving the lives of the Hebrew male babes against the proud monarch's merciless decree: 'Therefore God dealt well with the midwives: and the people multiplied, and waxed very

mighty. And it came to pass, because the midwives *feared God*, that He made them houses,'—gave them families. But the highest possible proof and illustration of this glorious truth which the infanticide more than ignores, is the deep and affectionate regard which the Lord shows for children. One instance is sufficient for our purpose, and this occurs in God's vindication of His mercifully sparing the densely crowded and deeply guilty city of Nineveh: 'And should not I spare Nineveh, that great city, wherein are more than six score thousand persons that cannot discern between their right hand and their left hand?' We have in the language and conduct of Emmanuel, the sweet, and instructive, and crowning illustration of the divine regard for little children: 'And they brought young children, that He should touch them; and His disciples rebuked those that brought them. But when Jesus saw it, He was *much displeased*, and said unto them, Suffer the little children to come unto Me, and forbid them not; for of such is the kingdom of God. And He took them up in His arms, put His hands upon them, and blessed them.' And might we not ask the British maternal infanticide, what other meaning can mortal possibly attach to any of these well-known instances and illustrations than that of clear-toned and most decided condemnation?

III. Infanticide is a crime which the sovereign Judge of all has declared His determination to meet with condign punishment. This doctrine is most clearly included in the original, and never, while men are found on earth, to be abrogated law of God: 'Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made He man.' This the nature of the crime and sound reason would lead us to expect; but we have formal and most intelligible announcements to this effect in the volume of revelation: 'Also in thy skirts is found the blood of the souls of the poor innocents: I have not found it by secret search, but upon all these. Yet thou sayest, Because I am innocent, surely His anger shall turn from me: behold, I will plead with thee, because thou sayest, I have not sinned.' And without citing other divine announcements of similar phraseology, and of identical import, have we not a fearful exposition of such declarations in the sieges of Samaria and of Jerusalem? In the straitness of the siege of Samaria, we have the sickening appeal of one Israelitish mother against another before the king: 'And the king said unto her, What aileth thee? And she answered, This woman said unto me, Give thy son, that we may eat him to-day, and we will eat my son to-morrow. So we boiled my son, and did eat

him: and I said unto her on the next day, Give thy son, that we may eat him; and she hath hid her son.'

Judah's daughters, also, because charged with the same crime of infanticide, were publicly visited by God with the same exquisitely severe judgment: 'The hands of the pitiful women have sodden their own children; they were their meat in the destruction of the daughter of My people. The Lord hath accomplished His fury; He hath poured out His fierce anger, and hath kindled a fire in Zion, and it hath devoured the foundations thereof.' And at the last siege and sack of Jerusalem by the Romans, our Lord's very heavy words of warning received a sanguinary realization in the unnatural carnage of infants, to read the story of which is a severe test for strongest nerves and stoutest hearts: 'But woe unto them that are with child, and to them that give suck, in those days; for there shall be great distress in the land, and wrath upon this people.' And in reading such humiliating visitations among God's chosen people, we lose their designed instruction unless we view them in the light of the express law of God for the specified sin of infanticide. But clear it is from recorded tragical facts, that although individuals 'may escape punishment from men, yet the Lord our God will visit the guilt upon those

nations' whose laws aided the escape of the murderer, and will confront in the universal judgment the individual murderer with the poor innocent victim, whose remains were cut in pieces, or reduced to a few calcined bones by the fire which maternal hands had kindled. 'And I saw the dead, SMALL and great, stand before God: and the books were opened; and another book was opened, which is the book of life; and the dead were judged out of those things which were written in the books, according to their works.'

Although the above considerations, founded upon natural instinct, judicially ascertained fact, and the most intelligible and interesting narrative portions of revelation, are well fitted to startle and stagger society and the legislature of our country, in regard to the alarming frequency with which this horrid crime is now perpetrated; yet we deem it a pressing duty to disabuse the public mind and conscience of one fruitful but most perverse cause of the popular sympathy for the infanticide. We allude to the equally heretical and popular opinion, that every infant is morally pure, is altogether morally innocent; and that therefore its death—its murder—is not only a deliverance 'from all the ills which flesh is heir to,' but is the sure introduction of the babe into the kingdom of glory. To this ex-

tremely heretical dogma, sanctioned by not a few of the most popular preachers in professedly Presbyterian and Calvinistic Scotland, we may safely ascribe nine-tenths of its infanticidal crime. And thus the term 'innocent,' as used in Scripture in regard to actual transgression, is perversely twisted by clerical celebrities to a denial of original sin! This we know for certain goes a long way to account for numerous cases of infanticide in North Britain, the blood of which is clamant against Scotland's most popular pulpits! The charge is dreadful, but we are prepared to show its truth.

As we would rather reason with, and appeal to, mothers themselves, so we would beg of them to ponder a word or two on this subject. That the popular dogma of infant salvation is heretical, appears from the current breath of Scripture, the ordinance of infant baptism, and the earnest supplications of even abandoned parents for the eternal welfare of their dying infants. To baptize and to pray for thoroughly innocent infants, is not only an absurdity, but is obvious impiety! If innocent, prayer and baptismal washing are an insult to reason.

But, on the other hand, if the babe is morally innocent, can sound reason possibly plead its innocence as an argument for its murder? Would not reason rather conclude that the

murder of the innocent would be an infinitely darker and bloodier crime? And is it not clear, that this shockingly perverted plea would convert the murder of God's saints into a public virtue?

CHAPTER VI.

THE MURDER OF THE SAINTS.

'THE VOICE OF THY BROTHER'S BLOOD CRIETH UNTO ME FROM THE GROUND.'

WE know fully enough of the professed liberalism of the age to needlessly expose ourselves, by undertaking to act the part of a martyrologist. And yet it is difficult to conceive of a field so well fitted to bring into clearer light, or stronger operation, the respectively distinctive elements of depraved and sanctified human nature. On the one side, we have every malign emotion of the natural heart supremely intensified; while on the other, we have a sublime concentration of all the highest attributes of sanctified humanity. Martyrdom is a rough and bloody school, at which the believer's graces are subjected to severest discipline; but at which also these graces demonstrate their reality, purity, and strength; and at which they win their unfading laurels.

While martyrology brings into striking and

instructive contrast the two antagonistic creeds of the false and the true church, it gives the world and the oppressed heritage of God a practical testimony to revealed truth, as alone conservative of that 'righteousness which exalteth a nation,' and condemns that 'sin which is a reproach to any people.'

> 'They liv'd unknown
> Till persecution dragg'd them into fame,
> And chas'd them up to heaven.'

The number of those, from the foundation of the world to the last sack and siege of Jerusalem, whose blood has been shed in defence of not isolated truths, but of the systematized cause of truth and morality, would constitute 'a great multitude, which no man can number,' and for which Emmanuel declared the church and kingdom of the Jews was amenable. 'Therefore also said the wisdom of God, I will send them prophets and apostles, and some of them they shall slay and persecute; that the blood of all the prophets, which was shed from the foundation of the world, may be required of this generation; from the blood of Abel, unto the blood of Zacharias, which perished between the altar and the temple; verily I say unto you, It shall be required of this generation.'

And who could calculate the amount of the blood of the saints of God shed by Rome Pagan,

from the birth of Jesus to the formal organization of the Church of Rome at the beginning of the seventh century? The apocalyptic vision of the seals, trumpets, and vials, graphically, although briefly, describes this carnage of the saints by Rome Pagan: 'And I heard the angel of the waters say, Thou art righteous, O Lord, which art, and wast, and shalt be, because Thou hast judged thus: for they have shed the blood of saints and prophets, and Thou hast given them blood to drink; for they are worthy.'

But the six centuries of the slaughter of the saints by the government of the Cæsars is as the drop in the bucket to the oceans of the blood of the saints mercilessly shed by Rome Anti-Christian. There is not an Asiatic, and especially a European country, that has not been moistened with the blood of the faithful saints of God and the Lamb, by the murderous policy and practice of the meretriciously attired enchantress of Rome. Church history, up till the close of last century, has attempted to give the following statistics of the martyrology of Europe alone:—'A million of the Waldenses perished in France: 900,000 of the orthodox suffered in thirty years after the institution of the Order of the Jesuits: the Duke of Alva boasted of having put 30,000 to death in the Netherlands, by the hands of the common

executioner. In thirty years, the Inquisition destroyed 150,000. . . . In France, during fifty years, from 1530 to 1580, ONE MILLION of Protestants lost their lives: Charles XII., glorying in his letters to the Pope, writes that he had massacred 70,000 *in a few days!* At the revocation of the Edict of Nantes, by Louis XIV., it is computed that 100,000 were *murdered*, and ONE MILLION driven from their country. . . . Before the States of Holland established their independence, there were put to death, in the reign of Charles V., about 50,000; in the succeeding fifteen years, about 100,000; and more than *half a million* fled their country. How many more must have fallen in the war for religion and liberty which they waged, with few intermissions, for almost eighty years! . . . *Besides those* who were put to death in the early persecutions in Scotland, Charles II. and James II. involved the Protestant throne of England in the blood of the martyrs, in their attempts to restore the nation to the communion of the Church of Rome. . . . About 2000 of the most eminent *ministers* in England, and 300 of the most faithful in Scotland, were driven from their charges, and tortured or murdered. Also 200,000 *families* were reduced to poverty; and above 60,000 persons in England, and 18,000 in Scotland, suffered either banishment or death.'

'And I saw the woman drunken with the blood of the saints, and with the blood of the martyrs of Jesus: and when I saw her, I wondered with great admiration (wonder).' And as the Christian bard has tersely expressed the sentiment—

'Their ashes flew
No marble tells us whither.'

And history, so warm on other themes, but cold on this, throws up one clearly and frequently revealed doctrine, that holy retaliation, as a fixed law of Heaven, must and shall settle accounts *in kind* with the persecuting Western empire, or European earth. What warrant is there in the page of revelation, or what sound reason can be adduced to show that the ten political toes of Daniel's metallic image, the ten horns of political Europe, should, or shall, form an exception to the universal conduct of divine Providence? No reason can be drawn for such an exceptional case from Europe's inferior privileges, less formal and solemn profession of adherence to the sacred banner of the cross, or more merciful persecution of Christ's saints and Europe's best patriots!

By keeping steadily in eye our distinctive object, we must consider not Europe so much as our own country, or Great Britain and Ireland, as directly and deeply implicated in the aggravated charge of soiling its escutcheon

with the blood of the saints. And to confine ourselves to the era of the British Reformation, from Henry VIII. of England and James V. of Scotland, the history is one of wanton and cruel shedding of the blood of Protestants, of a dark species of legalized murder. In establishing this charge, we do not feel ourselves called on to enter upon a minute and formal investigation of the respective creeds of the combatants in the protracted and sanguinary struggle; sufficient for our purpose it is, that we abide by the undeniable fact, which is endorsed by the letter and spirit of the British Constitution, and expounded by the Protestant Coronation Oath of Victoria, that Popery, by its arrogant claims over princes and their subjects, was dangerous to civil liberty, and proved its regnant policy to be persecuting. If this is not a plain English translation of the meaning of the British Constitution, diluted as it is by the liberalism of the last thirty-four years, then language has no definite meaning. And those who wince under this clearest British fact, and who have strenuously put forth their strongest efforts to effect a change, only all the more clearly establish the truth of our proposition. But to whatever cause we may ascribe it, it is a most astonishing fact, that the Scotch, whose martyrs were not certainly the least intelligent and patriotic, have written most slan-

derously against them, and have honoured the slanderers with national monuments.

> 'The eagle saw her breast was wounded sore,
> She stood and weeped much, but grieved more;
> But when she saw the dart was feather'd, said,
> "Woe's me, for my own kind hath me destroy'd."'

The question is most assuredly a weighty one, Who shall be amenable to the demands of retributive justice when the God of the saints 'shall make inquisition for their shed blood?'

In bringing out more intelligibly our charge against Britain for this specially aggravated crime, we have to ask, When, where, and in what national form, has our country penitentially acknowledged the guilt thus contracted? According to the popular political creed, that the British Constitution is Protestant, is purely an accident, and not at all a principle. And assuming what is gloried in, that we are the regnant European kingdom, then the cry of the martyrs' blood shall be answered from heaven in our national disorganization: 'And the same hour was there a great earthquake, and the *tenth part* of the city fell, and in the earthquake were slain of men seven thousand: and the remnant were affrighted, and gave glory to the God of heaven.'

Although there is no escapement from this most unpalatable conclusion, yet we may briefly

and very generally illustrate its certainty from the specially aggravated character of the crime.

We estimate the character of the crime of murder from the character of the victim. Although the soul of the peasant is equally valuable in the sight of God with the soul of the prince; yet, relatively considered, the murder of the prince is universally held to be a deeper and darker crime than that of an ordinary subject. This principle was formally and publicly declared by the nation of Israel, when David their king generously proposed to go at their head to the battle-field: 'And the king said unto the people, I will surely go forth with you myself also. But the people answered, Thou shalt not go forth: for if we flee away, they will not care for us; neither if half of us die, will they care for us: but now thou art *worth ten thousand of us:* therefore now it is better that thou succour us out of the city.'

Now, in accordance with this universally admitted principle, the volume of revelation holds forth the saints of the Most High God to be the blood royal. Being partakers of the divine nature, having their Father's name written in their foreheads, and being the constituted defenders of Christ's crown-rights, they are, in the divine estimation, of more real and relative value than all the world besides. 'For I am the Lord

thy God, the Holy One of Israel, thy Saviour. I gave Egypt for thy ransom, Ethiopia and Seba for thee. Since thou wast precious in My sight, thou hast been honourable, and I have loved thee: therefore will I give men for thee, and people for thy life.'

As illustrative of the value the Lord puts upon His saints, He declares that 'He keeps them as the apple of His eye;' that He holds and will resent what is done against them as done against Himself—'And when we were all fallen to the earth, I heard a voice speaking unto me, and saying, in the Hebrew tongue, Saul, Saul, why persecutest thou *Me?*'—that 'their blood is precious in His sight;' and that He will hear and fearfully respond to the cry of their supplicating murder: 'And when He had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: and they cried with a loud voice, saying, How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth?' These, and similarly phrased passages, suggest a train of solemn and profitable reflections, to a few of which we may very generally advert, as directly bearing on Heaven's indictment against our country for the murder of Christ's witnesses.

Although the personal murderers of the saints

may have gone many centuries before to the judgment, yet the national murderer who continues for centuries, notwithstanding the lapse of time and the change of individuals, sustains his national identity and character, and must pay the penalty of the bloody crime with his own blood. This doctrine, so patent in the volume of inspiration, and so accordant with the continuous identity of a nation, reconciles the escape of individual persecutors with the divine justice, in exacting the penalty of that political community of which the individual persecutors were particular units. This principle, upon which the nation legislates, and contracts debts that fall to be liquidated by the unborn subjects, is essential to society, to nationality; while it anticipates and refutes a host of modern and popular objections against national responsibility for the unpunished crime of its individual members. This same divine law has vindicated its sanctions by exacting the penalty of its breach, from the crucifixion of Christ to the formal establishment of Antichrist in the fearfully sanguinary overthrow of imperial Rome, when 'its rivers and fountains became as the blood of a dead man; and every living soul died in the sea.' And this same law of blood for blood will be as righteously inexorable in demanding the national expiation of every drop of Christian

blood shed by the wickedly lenient administration of the criminal law of the country: 'He that leadeth into captivity shall go into captivity: he that killeth with the sword *must* be killed with the sword. Here is the patience and the faith of the saints.' And the inference is, that the abolitionist, in his every instance of success, is storing up national wrath against the national day of wrath; and, in his strongest efforts for the abolition of this law of God and of national mercy, is ripening the country for a bloody settlement of a bloody account. His theory of mercy is a most serious fallacy; and his patriotism runs up the nation to its unequal contest with Him who says, 'Vengeance is Mine, and I will repay.'

But this class of inspired passages, coupled with their tremendous realization in the history of the dominant empires of our world, also suggests the solemn reflection, that, although the shed blood of the saints is absorbed by the earth, it is ever before the eye of God. It is 'precious in God's sight.' Although it is not heard here, yet it is heard in heaven: 'And He said, What hast thou done? The voice of thy brother's blood crieth unto Me from the ground.' Here its cry is not only not heard, but is repudiated; there it is warmly regarded by Him, in defence of whose cause it was poured out. If remembered

here, it is to garnish some poetic imagination; but it is remembered in heaven to be avenged: 'How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth?' When on earth it comes into mind by some collision between the representatives of the ancient belligerents, it is hushed by the modern liberal maxim of 'Let bygones be bygones;' but it is remembered in high heaven, to be prosecuted as a standing controversy between the continuous murderers of the purchased heritage of God and Him whose law of blood for blood must, of righteous necessity, be publicly vindicated. This, of holy necessity, must bring God out of His place to publicly vindicate His own character.

It is not perhaps out of place to briefly consider, although by way of digression, the very popular objection, that the prayers of the saints for divine vengeance on their murderers are in obvious contravention of the merciful spirit of the Christian dispensation, of the prayer of Stephen the proto-martyr, and of the model prayer of Christ on the cross: 'Father, forgive them; for they know not what they do.' This is simply another phase of the unintellectual and suicidal although popular objection which we have already subjected to a somewhat large and minute examination; and this new application

of which, as a kind of death-struggle on the part of the abolitionist, we might here well dispense with obviating.

The objection, that the prayers of the murdered saints are against the mercifully forgiving spirit of the Christian dispensation, most strangely and culpably overlooks the fact that such a prayer is found in the New Testament Scriptures, is ascribed to New Testament saints, and is to be answered in New Testament times. And truly if such a transparent and shutting-up fact is to be wilfully ignored, we are driven to confess our despair of reasoning profitably with such debaters. How is it possible to argue the question with those who cannot deny clearest facts that go to the thorough demolition of their main position, and indeed of their whole theory? If the prayer under consideration is that of the murdered saints of the Christian dispensation, and is promised to be answered by vengeance in this dispensation, we are at a loss to understand the structure of that mind which insists on both the prayer and the promised answer as against this dispensation.

But the objector assumes, in his interpretation of this large class of passages, that the suppliant is moved by personal revenge, a spirit condemned by God under every dispensation. But why assume that this is the spirit by which the clamant

shed blood of the martyrs of Jesus is characterized? Is it not more in accordance with their heaven-declared Christian principles and character, that, as 'they loved not their lives unto the death,' because of their love unto their Lord's person and royal character, so their prayer for vengeance is for the public honour of the same divine person? If they died in defence of public liberty, is it not more consonant to Scripture and to reason that the cry of their shed blood for the blood of its shedders, is in vindication of the same public royal standard?

And this easy and honourable solution of what some vainly dignify as a severe problem, introduces us to the character of the murdered saints, as illustrative of the special aggravation of the crime perpetrated, and the moral necessity under which the righteous Governor of the world is laid to expose and publicly punish it. Who were these martyrs of Jesus? Whence came they? What was their character? And what the crime with which they were charged, and for which they were subjected to satanically refined tortures, and to exquisitely agonizing deaths? The true reply to this question throws a flood of light over the question of not only the abolition of capital punishment, but over the not distant future of the British nation.

The martyrs under 'the woman which reign-

eth over the kings of the (European) earth,' and 'whose dead bodies' are represented as 'lying on the (British) street of the great city,' are called by Christ 'His witnesses;' they are born from above as to their souls, and their shamelessly mangled 'bodies were temples of the Holy Ghost.' In the language of the Apostle of the Gentiles, they were not 'the lawless and disobedient, unholy and profane, murderers of fathers and murderers of mothers, or manslayers, or liars, or perjured persons.' They were 'the salt of the earth,' to preserve it from moral putrefaction. And have they not proved their purest patriotism by their favourite and acted-out maxim of, 'Fear God, and honour the king,' of 'subjection to the powers that were,' even in days of public peril?

And what was their crime? Was it not that they declared their love to their exalted Lord? Because they could not be disloyal to the King of saints, and stand in the ranks of the corrupters of the faith, they were subjected to tortures and appalling deaths, from which they ascended into glory, where they were received as crowned victors: 'And one of the elders answered, saying unto me, What are these which are arrayed in white robes? and whence came they? . . . And he said to me, These are they which came out of great tribulation,

and have washed their robes, and made them white in the blood of the Lamb: therefore are they before the throne of God.'

But this class of passages suggests the power of this mystical cry over God, whose heart is stirred, and whose hand is nerved by its eloquence. His occasional responses are represented as quieting these witnesses of Christ, by exhorting them to the exercise of the militant grace of patience, until the long-gathering cloud of retribution shall have been fully charged, when its burning contents shall be poured out; or, to change the figure, they are to wait on at the post of rough duty until the golden censer filled with their prayers, shall be returned filled with burning coals, which are to be scattered upon the earth, the local scene of their murder: 'And another angel came and stood at the altar, having a golden censer; and there was given unto him much incense, that he should offer it with the prayers of all saints upon the golden altar which was before the throne. And the smoke of the incense, which came with the prayers of the saints, ascended up before God out of the angel's hand. And the angel took the censer, and filled it with fire of the altar, *and cast it into the earth:* and there were voices, and thunderings, and lightnings, and an earthquake,' or revolution. And thus, when the power

of the oppressor waxes stronger and stronger, and when the patience of the oppressed witnesses is nearly exhausted, the Lord comes down to terminate the long-pending quarrel by inflicting the threatened blow of holy and rending retaliation.

In closest connection with this oft-repeated and realized declaration, we find that every such stroke of retributive justice against the oppressors of the saints is given at an hour not at all expected. And difficult it certainly would be to specify a single revolution of a persecuting kingdom at a time when it had made any preparation to meet, or even to alleviate, its dreadful horrors. Such crushing events have come upon the oppressors of Zion with the suddenness and force of the *avalanche* or the earthquake, by the expansion of long pent-up subterranean combustibles, which loosen the foundations of the imperial mountain, and toss it like a fire-ball through the atmosphere, when it is quenched among the insurrectionary billows of excited nationalities. This is the closing scene of every historically recorded revolution of nations charged with laying violent hands on God's spiritual heritage. And although this outstanding historic fact requires no further illustration than a specification of all the great revolutionized persecuting empires, as Egypt, Babylon, Medo-

Persia, Greece, and Imperial Rome; yet it is salutarily instructive to have such facts 'bound' by the nations of modern Europe, and especially by its regnant kingdom, 'for a sign upon their hands, and worn as frontlets between their eyes.' For what has characterized all these kingdoms is solemnly and repeatedly declared to be the eminent characteristic of the revolution of the present political earth of Europe: 'Therefore shall her plagues come in one day, death, and mourning, and famine; and she shall be utterly burned with fire, for strong is the Lord God who judgeth her.'

Nor is it less important to note the fact, that the oppressor's downfall, and the elevation of oppressed Zion, synchronize—come in the same hour—when both parties are equally taken by surprise: 'When the Lord turned again the captivity of Zion, we were like them that dream. Then was our mouth filled with laughter, and our tongue with singing: then said they among the heathen, The Lord hath done great things for them.'

And in concluding this section on the murdered martyrs of Jesus in Europe and our own country, we find that their power with the God of heaven is the true explanation of all the international troubles and sanguinary conflicts among their persecutors in the western empire; and that

their exercise of this power shall, without all fail, bring about the national crisis as the payment in blood. 'And if any man will hurt them, fire proceedeth out of their mouth, and devoureth their enemies; and if any man will hurt them, he *must in this manner* be killed. These have power to shut heaven, that it rain not in the days of their prophecy, and have power over waters to turn them to blood, and to smite the earth with all plagues, as often as they will.'

CHAPTER VII.

THE SCAFFOLD.

'YE DESIRED A MURDERER TO BE GRANTED UNTO YOU.'

In addressing ourselves to the popular theory of other and minor penalties for the crime of murder than the scaffold, we have not the most distant thought of questioning the philanthropy of its adherents, among whom we recognise the names of not a few of the literary and scientific of our age; but we certainly do mean to show that the theory itself is fallacious, and destructive of the object it professes to secure. And although the formal discussion of this main dogma of the creed of the abolitionist has been already obviated by the unrepealed divine law of blood for blood, yet we are not without hope of making some converts by a brief examination of a few of the reasons assigned for obtruding this theory of minor penalties upon the notice of the British public. Let it then be distinctly understood, that the main plea of the abolitionist for this capital

article of his creed is, THAT THE SCAFFOLD HAS PROVED ITSELF TO BE A FAILURE AS A PREVENTIVE OF THE CRIME OF MURDER.

If by this confident and reiterated affirmation it be meant that, on the Continent of Europe, and especially in our own country, within the last twelve years, this heinous crime has been increasing, we do assure the abolitionist that we have no debate; but we cannot see any proper connection betwixt the frequency of this crime and the *legitimate* use of the scaffold. On the other hand, we have a settled conviction that the alarming increase of murder is largely, if not mainly, to be ascribed to the abolitionist's declamation against the scaffold.

I. That the scaffold is a failure might with equal force have been urged against the criminal code of the Israelitish commonwealth. The abolitionist freely admits that by divine sanction this penalty for murder stood at the head of the criminal law of Moses, and he cannot deny that this penalty was not adequate to prevent the frequent commission of this foulest of crimes. The corruption of the natural heart, even among God's chosen Israel, triumphed over the terrors of this extremest penalty. It will not surely be argued from this notorious fact, that because murder was frequently perpetrated, therefore

this instrument of death was a failure! for this were to charge the divine Legislator with lack of wisdom in enacting, and with lack of mercy in rigidly adhering to, a law so oft and recklessly violated. Upon our theorist's plea, Israel's continuous perpetration of this crime warranted, if it did not demand, a tentative temporary repeal of such a stringent penalty. But we require not to show that every breach of the law, whether by its formal infraction, or visiting the murderer with any penalty short of death, fell on the guilty head of that nation in the dreadful hour of its thorough disorganization. Our Lord Himself, and in tears, exclaimed, 'All the blood shed shall be required of this generation.'

It will not do to assert that the parallelism between the Jews and our own country fails; for it is indisputable that, for a long time previous to the bloody overthrow of that nation, the Jews increased in the perpetration of this crime, finishing off with the bloody tragedy on Calvary's tree, and sending the apostles to glory through a sea of their own blood.

But is the abolitionist prepared to risk the soundness of this objection by its application to minor penalties for minor offences? Is he prepared to affirm that, because imprisonment has not prevented theft, therefore the prison and the scaffold as equal failures should share the

same fate? By this process of reasoning we would abolish the whole system of penal laws, and inaugurate a millennium of confusion and blood.

II. If by this objection it is meant that the scaffold is a comparative failure, then the reply is equally obvious and satisfactory. It is not of the nature of a civil penalty infallibly to prevent the perpetration of crime. Even the moral law has not been the certain preventive of varied moral evils among the professed and genuine friends of God. The objection is founded on the fallacious assumption that penalties, both civil and divine, must prove infallible preventives; and if they fail, they ought to be abolished! The Bible itself is included in this sweeping theory of abolition. And practically to test the objection, we appeal to the abolitionists themselves, whether, in this age of cheap Bibles, missionary enterprise, philosophical institutions, and associations of social science, they are resolved to organize a crusade against all this incessantly worked machinery, because immorality and crime are on the increase?

III. That the scaffold is a failure is neither an accurate statement nor is it a fact. It is not a fair statement, inasmuch as the scaffold

has not been fairly tested. Formerly, the law assigned capital punishment to numerous and various offences, and inflicted it only upon a few convicted persons; or, as Paley says, 'Scarcely one in ten was executed.' By the law as it now stands, capital offences are few, and the element of certainty of punishment was introduced as the salutary deterrent. To this change in our criminal law, the national conscience made a distinct and honourable response. But for the reasons formerly assigned, such as aversion to the law of blood for blood, the element of uncertainty has resumed its former place and power, on which the murderer calculates. To argue that the preventive power of the scaffold is, by such an element, fairly tested, is not entitled to sober refutation. Had the objector been able to show that the criminal law of England was, like the moral law, restricted in its extreme penalty to murder, and was infallibly executed upon the convicted, we might have had difficulty in disturbing his position; but as he is well aware the opposite is notoriously true, his objection is a myth.

But while the objection, that the scaffold has failed, is not fairly put, we also take leave to say it is not true. It is not only the universal impression, but the universal lamentation, that murder is alarmingly on the increase. But is

the abolitionist, who heartily joins in this lamentation, prepared to deny that the impression is equally universal, that the uncertainty of convicting and of executing the convicted murderer is the true exponent of the frequency of the crime? Is he prepared to say, in solemn seriousness, that the conflicting definitions of insanity, the addresses by advocates to the natural feelings of juries, and most strenuous efforts in behalf of the sentenced for a commutation of punishment,—is he prepared to say that, by such a routine, the scaffold has been tested and has failed? This, instead of testing, is abolishing the scaffold.

IV. Although the scaffold, in this age of spurious philanthropy, is anything but a reality, yet, as it is the divine instrument for punishing the murderer, it has not failed, and it *cannot fail.* That death by hanging on a tree was the divine penalty for murder in the Israelitish nation, and inflicted with Heaven's approbation, is a fact with which every reader of the inspired volume is conversant, and which the abolitionist has not been able to show is repealed. 'And if a man have committed a sin worthy of death, and he be to be put to death, and thou hang him on a tree; his body shall not remain all night upon the tree, but thou shalt in any wise

bury him that day.' Now, by this and similar passages we are taught, that hanging on a tree is the divine penalty for murder, that no nation may with impunity dispense with it, and that the abolitionist's popular phrase, 'barbarous hanging,' is a mere imagination.

But as man's love of his own life is his strongest instinct, so the penalty that strikes at his life must be the strongest of deterrents. And if this most direct and potent of all preventives is overborne by confirmed ruffianism, how demonstrate that the feebler penalty will equally secure against the perpetration of this fiendish crime? If the strongest divine penalty which fairly meets our strongest instinct, is resisted by a dreadful rush of moral corruption, is it reason to conclude that human devices of a tentative character, that a system of milder penalties, will be equally potent in shaking the murderer's dark resolve? Casuistry is exhausted in its efforts to bear down common sense and instinct.

Without prosecuting this train of remark in regard to a theory which is an assault upon not only the scaffold but upon the constitutional Christianity of England, and our national as well as individual instincts, we now propose a brief examination of a few of those abolitional milder penalties for the crime of murder. And at the threshold of the discussion of this

practical phase of the question, we interpose the explanation, that all the milder penalties proposed in lieu of the scaffold are of the REFORMATORY kind. And by the present use of the term Reformatory is, and can only be, meant legal as distinguishable from ecclesiastical means of reformation; for if the abolitionist disregard the boundary line betwixt these two distinct domains, he loses his plea. The chief of the milder penalties proposed instead of the murderer's scaffold are, imprisonment, either for life or a briefer probationary period; this imprisonment with labour, the product of which may go to the State or the near relatives of the murdered; or banishment from the local scene of the murder, and where the culprit may have a chance of redeeming his character by moral reformation. This, then, is the new system of deterrents instead of the scaffold, and which its advocates contrast with the barbarities of the murderer's last platform, around which is gathered the hardened scoundrelism of the city!

Now, in examining this highly dramatized theory, we propose showing, in a few remarks, that it is an immense fallacy; that it is a specimen of culpable ignorance both of the nature and of the specific end of criminal law; and that it is at war with experience, sound reason, and the clear dictates of revelation.

I. This Reformatory theory assumes that the one, the absorbing, end of criminal law, is the reformation of the convicted culprit. Than this there never was a greater, a more dangerous, and a more revolutionary fallacy; a fallacy that would thoroughly change the nature of criminal jurisprudence, destroy its legitimate functions, and render its specific end a nullity. It is a vain expenditure of abolitional rhetoric to excite the popular passion in behalf of the convicted murderer, and, by a kind of philanthropic *coup d'état*, to burn the scaffold as the cause of the crime which it was erected to punish. The theory concentrates its declamation on the truly miserable condition of the culprit, his scaffold, and all the minutiæ of his public appearance, from Calcraft's adjustment of the rope to the last quiver of the black tassel on the top of his white cap; while the struggle of the victim, and the murderer's infernal response to his imploring eye and cry, are strangled by the outrageous sympathies of even clerical abolitionists!

But amid this burst of sympathy for the murderer, what about the bloody blow he has struck at the heart of the nation? Does such a theory, which puts in peril the lives of millions, claim the sympathy of any intelligent lover of law and order? And have not the very highest moralists and jurists of our country thoroughly

discussed this question, and laid down with precision the impregnable proposition, that the specific end of criminal law is the prevention of crime, and not the reformation of the criminal? And is not this rational *dictum* based on the inspired declaration: 'And the man that will do presumptuously, and will not hearken unto the priest, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel. And all the people shall hear, and fear, and do no more presumptuously?' This principle was embodied in the judicial explanation of the sentence pronounced upon the convicted sheep-stealer: 'You are to be punished, not for stealing sheep, but that sheep may not be stolen.' In like manner, the convicted murderer is executed, not because he has murdered, but that murder may not be perpetrated. And the main, the special, end of civil and criminal jurisprudence is the golden band that bound together the Twelve Tables of the Roman law: 'Salus populi est suprema lex,'—the safety of *the people* is the supreme law. And, in impressing on judges this heaven-born principle, Lord Bacon says: 'Judges ought, above all, to remember the conclusion of the Roman Twelve Tables, "Salus populi est suprema lex." And to know that laws, *except they be in order to that end*, are but things captious, and oracles not well inspired.'

II. Sympathy with the breaker of the law does not belong to the law. Sympathy is sympathy, and 'law is law.' Criminal law respects public justice; and it ceases to be law when the element of sympathy is mingled with its legitimate administration. And while the judge, *as a man*, may indulge his compassion for the wretched criminal, yet, *as a judge*, he is not at liberty to give way to that sympathy which would in the least degree make to vibrate the tongue of the balance of public justice. 'Fiat justitia, ruat cœlum.' Once admit compassion into the administration of law, and especially of criminal law, and that moment you convert law into capricious feeling. Then sympathy becomes an instrument of music, which, in the hands of a judicious performer, can be made to give out the most discordant sounds, among which law and justice perish.

But if sympathy for the murderer is to be held as essential to the judicial administration of criminal law, how exclude it in cases of minor offences? Has not the prison its wretched accompaniments, on which an extravagantly eloquent abolitionist might declaim? Thus prison and scaffold are alike abolished! Is it still urged that judicial sympathy for the murderer, or the theory of milder penalties, leaves space for restitution of the loss which society has sustained?

we reply that the conception is a heinous fallacy, and brings out the essential cruelty of abolitionism. Restitution for murder! What an infernal thought! Is the violent and bloody act of murder simply a theft? Is the life of our fellow to be classed among man's 'goods and chattels?' To press such a theory for national adoption is to degrade England beneath even the Jewish nation, when its degeneracy was a proverb. Of the blood-money which Judas threw down before the rulers, they exclaimed with indignation: 'It is not lawful to put it into the treasury, because it is the price of blood.' Deeper and darker still would be our country's infamy if it should be left to adopt, in lieu of the murderer's gibbet, and that too for the support of the near relatives of the murdered, such a price for blood. England has no such widows; and we trust such a theory of degrading charity, England will universally condemn.

III. This Reformatory theory, as it professes to be moral, falls within the domain of the Church and not of the State. In drawing attention to the distinction which we have indicated, but which the abolitionists have strangely confounded, we cannot help pointing to the suicidal fact, that the great body of these theorists, and especially their reputed leaders, have

adopted the creed of voluntaryism! But while the two ordinances of Church and State can beneficially co-operate, yet each is supreme in its own distinct and independent field. And while the Church cherishes sympathy for the murderer, the State tries and executes him.

IV. This theory has been already tried, and has failed; has been weighed in the balance, and has been found wanting. Those moralists and jurists who have calmly reasoned this question, and who have taken advantage of the statistics of crime, have come to the conclusion that Reformatory schemes have proved dead failures. The conclusion to which Paley's reasoning and well-ascertained facts led him, is exhaustive of the question:—'In the reformation of criminals little has ever been effected, and little, I fear, is practicable. From every species of punishment that has hitherto been devised,—from imprisonment and exile, from pain and infamy,—malefactors return more hardened in their crimes and more instructed. If there be anything that shakes the soul of a confirmed villain, it is the expectation of approaching death.' This reasoning, which is fortified by penal statistics, which accords with the dicta of revelation, and which meets the natural instincts of every man, throws up a problem which abolitional intellect will

never solve. 'Skin for skin; all that a man hath will he give for his life.' And, in conclusion, might we invite to calmly and candidly look at his Reformatory theory in the light of the TICKET OF LEAVE system, which the intelligent of the three kingdoms have heartily condemned.

CHAPTER VIII.

PUBLIC EXECUTIONS.

'WHOM YE SLEW, AND HANGED ON A TREE.'

THIS question has introduced a third party, who have adopted the *via media* of private executions. We are happy to claim this class as thoroughly at one with us in holding the divine law of death for death, and in condemnation of the abolitionist's main position. By this theory it is assumed that the private execution of the convicted murderer fully meets the demands of justice, while the feelings are spared the harrowing accompaniments of the scaffold. This plea is altogether one of *feeling*, and may therefore be very readily disposed of. And while we confess sympathy with the nervous affection of our amiable theorist, might we hint that he has the remedy in his own hand, by absenting himself from the last act of the murderer's tragedy? Without cumbering the discussion of this theory of mere natural feeling by stating all the objec-

tions to which it is exposed, we rather choose to submit the following observations on its inadequacy for the ends of justice.

I. This theory of private execution contravenes the moral law. If this objection can be shown to be well founded, then all the pleas in favour of private executions must go to the wall. The divine law, then, not only assigns death for the murderer, but also specifies *the mode* of inflicting it; and thus the mode of inflicting the malefactor's death is, equally with the death itself, an essential part of the law of God. The inference is, that as these two elements are equally essential parts of the same divine law, so our theorist is not at liberty to take the one and to reject the other. He who said, 'Whoso sheddeth man's blood, by man shall his blood be shed,' also said, 'Thou shalt hang the murderer against the sun on a tree.' And what intelligent reader of Scripture requires to be reminded of the numerous instances of Israel's compliance with this divine injunction? 'And the king of Ai he hanged on a tree until even-tide.' 'And afterward Joshua smote them, and slew them, and hanged them on five trees; and they were hanging upon the trees until the evening.' But the same mode of publicly punishing murderers characterized the criminal law of all heathen

nations. It cannot be argued, on the one hand, that this fact simply shows the copying propensities of the heathen; for this would show that the divine law had recommended itself to heathen nations. Nor can it be argued, on the other, that this proves public executions to be merely heathen; for then, and especially as it was also Israelitish, this mode was universal, and founded in nature. And, in fine, the advocates of private executions cannot consistently plead the repeal of this essential part of the divine law, which they strenuously hold to be still in force.

II. The public execution of the murderer accords with the public character of his crime. To demonstrate the truth of this position we consider a work of supererogation. For although the crime is almost always committed in secret, yet, in its character and effects, no crime is or possibly can be more public; and in regard to it we may apply the words of our Lord: 'There is nothing covered, that shall not be revealed; neither hid, that shall not be known.' On this divine sentiment is founded the maxim that 'murder will out;' a maxim which is the groundwork of three-fourths of our popular romance, and which the annals of this crime have marvellously verified. But that murder is a public crime appears from its being an assault, not

only upon the person of the victim, but upon the life of the nation, by shaking the main pillar of the political fabric. For of what avail are the best-framed laws against breach of trust in the social, political, or commercial worlds, if the law securing our natural lives be loose and uncertain? Calm reflection, we are persuaded, will bring our theorist to the conclusion that public punishment is the best preventive of this crime, which, although perpetrated in secret, reaches the majesty of all law, and daringly violates every conceivable interest of the whole community.

The law is so mercifully framed that the prisoner charged with this bloody crime has every facility of proving his innocence in public court. The public trial shows that public interests are deeply affected; and why should not the punishment of the convicted murderer be also public, ay, and ignominious too?

Among the objections to public executions, we have that of the character of those who usually attend on hanging scenes, and are represented as the incurably hardened, and who make these occasions a special opportunity of belching out horrid blasphemy, and of practising their nefarious trade. On this popular objection we offer the subsequent remarks. *First*, we demur to the assumed truthfulness of this re-

presentation of the great body of such crowds; and we do so all the more readily that some eminent members of both Houses of Parliament attended the hanging of the five pirates, and declared, in their places, that such abolitional pictures were too highly coloured. These witnesses admitted that a considerable number of the crowd acted sadly out of character; but they declared that, when the culprits appeared, and while the religious service was going on, the immense multitude was deeply and solemnly affected. Now, is our theorist prepared to affirm, that during these few solemnizing moments a blow was not struck at some of the consciences of even our London desperadoes, and that no arrestive impression was made on the individual conscience when the excitement of the public execution was over? But, *secondly*, although we were to admit to the fullest extent the truthfulness of this representation, it is advantageous for the legislature to be apprised of the amount of blackguardism in the city, and useful to the police in marking the ruffianism which the public scaffold evokes from its dark and dangerous lair. It will not be affirmed that the scaffold has manufactured all this boisterous licentiousness, which existed previous to its erection; and to reason against public executions because of the character of the crowd is the most vapid decla-

mation. And, in *the third place*, a knot of desperadoes can seriously annoy and dissolve any public political meeting, although presided over by the most intelligent and moderate of public men. Are we therefore to ignore and repudiate the privilege of public political discussion? And what respectable person would interfere on such an awful occasion by adding fuel to the flame? Allow such licentious liberty to not only great political but even religious gatherings, and we would not answer for the result.

III. The public execution of the murderer is not chargeable with anything offensive to right feeling. Epithets of the most offensive kind to the feelings and character of not the least intellectual and pious of England's sons, constitute the stock-in-trade declamation of abolitionism; and the gusto with which it ever and anon crops out, looks like a rhetorical trick to prevent fair and reputable argumentation.

But is not this objection levelled against the merciful character of the Divine Legislator, who enacted hanging on a tree as an essential element of the criminal law of His own peculiar nation? Can the objector be serious in urging that God had discovered His mistake, and has now changed His mind? or that He could enact a law *in any age or dispensation* chargeable with cruelty?

And might we remind the objector that the divine law of public executions made special provision against every appearance of what the most nervously affected could construe as offensive to right feeling? 'And if a man have committed a sin worthy of death, and thou hang him on a tree, his body shall not remain all night upon the tree, but thou shalt in any wise bury him that day:' 'Lest thy brother appear vile in thy sight.'

Surely the advocate for private executions will not hold the formalities of the scaffold to be the symbols of England's delight in cruelty: he will include in this dreadful charge, the crown, the legislature, the bench, the pulpit, and not the least informed of the people. Does not his plea, that incurable ruffianism largely gathers around the gallows, refute his implied and cruelly offensive charge? And if such advocates have, in any way or to any extent, discovered barbarities about the scaffold, we shall join them in having them *abolished.* We are glad to have the comprehensive and tersely expressed judgment of *The Times* on the public execution of Franz Muller as meeting this objection: 'It may well be doubted whether the penalty of death is not the most merciful, as it is assuredly the most formidable, of those as yet devised by mankind for the prevention of murder.'

IV. The conduct of the criminal himself demonstrates the deterrent power of the public execution. We make no account of some few desperately exceptional cases which have disgraced the formidable solemnities of the gallows, and all the more strongly confirm the almost universal rule.

Let the advocate for private executions explain the notorious fact, that in order to escape detection the murderer provides himself with the phial of poison, the knife, or the revolver, as the surest means of self-destruction. Let him explain how the murderer under sentence of death requires to be watched night and day, lest he defraud public justice by committing suicide within his cell. The strict watch which the public authorities appoint to be kept on such criminals, shows that very few condemned murderers would, were this strict wardenship removed, appear on the Drop. Their suicidal determination proves that they fear not death but *a public execution!* Remove this barrier from between the murderer and his victim, and you shear away the last deterrant from the commission of this crime. We remember having read somewhere the illustrative case of a young and uninitiated man who joined himself to a sanguinary banditti. Taunted with the implied disgrace of not being able to add his exploit of

murder to the rapturously recited murderous deeds of his comrades, he plunged his knife into the heart of a frail old man! The scorpion lashes of conscience drove him to the presence of the captain of the gang with the wild scream, 'I have killed a man!' The cool reply was, 'Well done;' to which the youth responded, 'But I have killed a man!' The infernal recipe by this Apollyon was, 'Kill another, and another, and another.' Murder conscience, and the murder of your man is easy work. '*Nemo turpissimus repente.*' Thus the ignominy of the scaffold is the most powerful deterrant against the repetition of the crime, while it stimulates the natural conscience against the first formal act.

V. In the pomp of the scaffold lies its deterrent power. In his Essay on Death, Lord Bacon highly commends the maxim of Seneca: 'And by him that spake only as a philosopher and natural man it was well said, "Pompa mortis magis terret, quam mors ipsa." The pomp of death terrifies more than death itself.' The universally telling language of nature is symbol, the prime element of which is pomp; and to its importation into the religious region, Rome owes her largest success. 'The whole world wondered after the beast.' Hence we have the pomp of symbol from the crown to the

policeman's belt; from the ribbon that ties the bride's hair, to the drapery of the coffin. And we would appeal to the most ardent admirer of the Charter, whether he would be prepared to abolish these natural safeguards of law and order. Those who are stoical enough to resist the imposing effect of symbol on the crown, the courts of law, and the body of the nation, count not as one to ten millions, and may be disregarded as inadequate to disturb our argument. What then the literal crown is to the highest personage of the realm, and what the black cap is to the presiding judge in the criminal court, the public scaffold is to the nation and the murderer himself. This formidable but merciful symbol demonstrates the majesty of the law, deters from the perpetration of murder, and, at the last moment, wrings from the pallid lips of Franz Muller the confession, 'Ich habe es gethan,—I have done it.'

CONCLUSION.

INSTEAD of a formal consideration of the proximate and exciting causes of the now frequent perpetration of this crime, and a discussion of its surest preventives, we conclude with a few general remarks on both these phases of the question. We are safe in affirming, what mere politicians ignore, that this crime is the development of man's innate depravity, for the suppression of which no mere educational means are adequate. 'Out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies; these are the things which defile a man.'

While this depravity is the source of all vice and crime, yet there are certain states of the public mind, constituting *the spirit of the age*, which evoke and mature special elements of this depravity. In one age we have the demon of intemperance, in another Mammon, and in another a reckless disregard of human life. To meet and restrain these regnant vices and

crimes, philanthropic and theorizing reformers propose their respective remedies. The primary question is, What are the proximate causes of these special vices and crimes? And while every element of depravity contributes its share to the development of specific vicious habits, yet each such habit has its own specific fomenter and confirmer.

Overlooking, or disregarding our moral nature as the special source of the moral malady, theorizing reformers address their panacea to the intellect. Hence mere educational measures, embracing literature, science, and art. But the authenticated statistics of British crime, and the well-weighed *dicta* of those officially conversant with the character of criminals, accord with the intelligible utterances of inspiration: 'The world by wisdom knew not God.'

Sir Archibald Alison, in giving his long and mature experience on this question, says: 'Education, if unaccompanied with sedulous moral training, only aggravates the evil; it puts weapons into the hands of the wicked; it renders men *able* and accomplished devils.'

Those who, on the other hand, acknowledge the moral part of our nature to be chiefly at fault, address themselves to moral means, by enlisting the imagination at the expense of the intellect. These means, especially as the most

popular of the age, are worked by novelists, whom England's Christian poet has designated 'the flesh-flies of the land.' In copartnership with novels, have we those sensational tales which have dislodged from the families of the land real history and solid moral literature. And as the charm of such tales lies in some love adventure, so we have ill-assorted and commercial marriages, which bring up realities instead of fancies, lead to incontinence, appear in the divorce court, and finish off with suicide or murder.

But where is the pulpit; where is the divinely authorized exposition and moral enforcement of that 'grace of God which teacheth to deny ungodliness and worldly lusts, and to live soberly, righteously, and godly, in this present world?' Who does not respond to the sentiment so tersely expressed by our own Cowper?—

> 'The pulpit
> Must stand acknowledged, while the world shall stand,
> The most important and effectual guard,
> Support, and ornament, of virtue's cause.'

The pulpit, as the symbol of the organized Church of Christ, has become A SHIBBOLETH of ecclesiastical faction, is an equivocal oracle, and has resigned its authority by meanly copying the sensational *animus* of the age, and by voluntarily converting itself into a theatrical

SEANCE! This is the '*origo mali*,' the 'optima pessima.'

> 'When nations are to perish in their sins,
> 'Tis in the Church the leprosy begins.'

The renovation of the morality of England must necessarily begin with the reformation of the Church.

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